

Public Comments on Interim Ordinance on Marijuana Facilities

The Board of County Commissioners took public comment on the interim ordinance at a public hearing on January 6, 2015, which it continued to February 3, and a written comment period between December 18, 2014, and February 5, 2015.

<i>Name</i>	<i>Organization</i>	<i>Method</i>
Abramovitz, Susan		Testimony (1/6/15)
Afdem, Gail		Emails (1/5 and 2/5/15)
Anderson, Mary V.		Email (1/1/15)
Baughn, Delinda		Email (1/5/15)
Boehl, Kurt (on behalf of Tom and Patty Perkins)		Testimony (1/6 + 2/3/15)
Bonnette, Kory and Shannon		Email (2/2/15)
Brown, Kathleen LaRue		Testimony (2/3/15)
Brown, Randy		Testimony (1/6/15)
Browning, Dave		Email (1/17/15) + testimony (2/3/15)
Cantrell, Constance		Email (2/5/15)
Coslor, Mike		Testimony (1/6/15)
Couvion, Barbara		Letter (2/2/15)
Crawford, Don		Letter (2/5/15)
Creelman, Paul and Patty		Email (2/5/15)
Davenport, James		Testimony (1/6/15)
Davis, Gary		Email (2/2/15) + testimony (2/3/15)
Dean, Randy and Brown, Kathleen LaRue		Email (2/4/15)
Dempsey, Edwin		Email (1/31/15)
DeNae, Shawn		Testimony (2/3/15)
Duncan, Ken and Sarah		Email (1/4/15)
Eastham, Marianne and Douglas, Clark		Email (1/31/15)
Eckman, Vevera		Testimony (2/3/15)
Edeen, Judi		Email (1/29/15) + testimony (2/3/15)
Ehlers, Carol		Testimony (2/3/15)
Fero-VanWagner, Patty		Email (1/5/15)
Finney, Bernard		Testimony (2/3/15)

<i>Name</i>	<i>Organization</i>	<i>Method</i>
Fisher, Skya		Letter (2/4/15)
Freeman, Robert and Mary		Letter (1/5/15)
Freeman, Robert (Mr. & Mrs.)		Email (1/31/15)
Friedlander, Matthew		Email (2/5/15)
Gentry, Paul		Testimony (2/3/15)
Gorr, Gilda		Testimony (1/6/15)
Goree, David		Testimony (2/3/15)
Guemes Island Environmental Trust Board		Letter (1/20/15)
Haney, Jedediah		Documents (1/6/15)
Hansen, Debbie		Testimony (1/6/15)
Harris, Larry		Email (2/3/15)
Hendrickson, Barb		Testimony (1/6/15) + letter (1/6/15)
Hill, Robert W.		Letter (1/12/15)
Hill, Terry		Email (1/3/15)
Holmstrom, Michael		Email (2/5/15)
Houser, Jerry and Jody		Email (2/3/15)
Hughes, Richard		Testimony (2/3/15)
Hurlimann, Cambria		Testimony 1/6/15) + email (2/2/15)
Hurlimann, Larry		Testimony (1/6/15)+ letters (1/24 + 2/5/15)
Jarmiolowski, Julie		Email (2/2/15)
Jensen, Robert		Testimony (2/3/15)
Lindsay, Lori	Flower of Life Farms, LLC	Email (1/22/15) (w/response from BOCC 1/26/15) + testimony (2/3/15)
Lindsay, Lori and Paul	Flower of Life Farms, LLC	Letter with binder (2/4/15)
Lindsay, Miranda	Flower of Life Farms, LLC	Testimony (2/3/15)
Lindsay, Paul	Flower of Life Farms, LLC	Testimony (2/3/15)
Lindsay, Shelby	Flower of Life Farms, LLC	Testimony (2/3/15)
Link, Amy		Email (1/30/15)
Lospalluto, Steven		Email (1/5/15)
Lund, Rufus		Email (1/27/15)
Martindale, Michael		Testimony (1/6/15)

<i>Name</i>	<i>Organization</i>	<i>Method</i>
McNeil, Terry		Email (2/4/15)
Miller, Joseph		Email (2/4/15)
Miller, Tim		Testimony (1/6/15)
Mitchell, Roger		Testimony (2/3/15) + email (2/5/15)
Mohr, Armin and Beverly		Email (1/2/15)
Moore, Jim		Testimony (1/6/15)
Moseley, Henrietta		Email (1/5/15)
Munsey, Connie		Testimony (1/6/15)
Nurmi, JoAnn		Testimony (1/6/15) + letter (1/6/15)
Nurmi, Victor and JoAnn		Email (2/5/15)
Padovan, Dennis		Email (2/5/15)
Perkins, Patty		Testimony (2/3/15)
Phillips, Kathleen		Email (2/1/15)
Pleas, Melvin		Email (1/7/15)
Pleas, Patricia		Email (1/5/15)
Reep, David		Email (2/3/15)
Rindal, Doug and Sue		Email (2/5/15)
Rooks, Hal	GIPAC	Testimony (1/6/15) + email (1/6/15)
Ruschmann, Dennis		Testimony (1/6/15) + letter (2/5/15)
Schleh, Daniel		Email (1/5/15)
Schleh, Elizabeth		Email (1/5/15) + testimony (2/3/15)
Schleh, Ian		Email (1/5/15)
Schleh, Joan		Email (1/5/15) + testimony (2/3/15)
Schleh, Stephen		Email (1/5/15)
Schram, Donna		Email (2/5/15)
Scott, John R.		Letter (2/3/15)
Scott, Lori		Testimony (1/6/15)
Scott, Lori		Letter (2/3/15)
Sedano, Stephanie		Testimony (1/6/15)
Shannon, Andi		Email (1/5/15)
Smith, Dan		Testimony (1/6/15)
Snarrenberg, John and Flora (Penny)		Email (2/5/15)
Sowell, Sharyn		Testimony (1/6/15)
Sowell, Russell and Sharyn		Email (1/5/15)
Stewart, Ed	___ Propagation	Testimony (2/3/15)

<i>Name</i>	<i>Organization</i>	<i>Method</i>
Sundberg, Sandy		Email (2/1/15)
Sundberg, Scott		Email (2/1/15)
Sweger, Crystal		Testimony (2/3/15)
Sweger, Crystal and Joseph		Emails (1/5 + 2/3/15)
Talman, Linda		Email (1/6/15)
Thomas, Dave		Testimony (2/3/15)
Thomas, E.L.		Email (1/27/15)
Turner, Robert R.		Email (2/4/15)
Ussery, Chris		Testimony (2/3/15)
Van Wagner, Gregory		Emails (1/5 & 1/22/15)
Wallace, Julie		Email (1/5/15)
Washburn, Dwight		Testimony (2/3/15)
Wilson, Sheena		Email (1/5/15)
Wirtshafter, Don		Testimony (1/6/15)
Wolf, Heather (Brownlie Evans Wolf & Lee, LLP)	Bernard Finney, Cedardale LLC	Emails w/letter (1/27 + 2/5/15) + testimony (2/3/15)
Wyatt, Tony		Email (2/3/15)

From: [Gail Afdem](#)
To: [PDS comments](#)
Subject: Gail N. Afdem 17437 Dunbar Rd. Mount Vernon Wa 98273 interim ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 5:28:45 PM

I realize marijuana is considered an agricultural crop however it is not the same as corn or tulips or berries. Those crops do not threaten my property value or the security of our neighborhood. I feel proposed use notifications should be posted and property owners notified for input before any permit is allowed. Marijuana growth should not be in residential areas.

Gail Afdem
gailafdem@aol.com

From: [Gail Afdem](#)
To: [PDS comments](#)
Subject: Gail Afdem,17437Dunbar Road,Mt.Vernon,WA,98273 Interim Ordinance on Marijuana Facilities
Date: Thursday, February 05, 2015 12:20:05 PM

I agree with Joan Schleh and Carol Ellers on the appropriate locations for marijuana growth and I do not think there can be a "one size fits all" zoning. It appears Mr. Finney did his home work and should be able to go forward with his business however the Dunbar Rd. facility is totally wrong. It would be great if each site could be evaluated individually although it would be more expensive for the county. I also suggest that a use notice be posted for any future grow operations.

Gail Afdem
gailafdem@aol.com

From: mvanderson03@aol.com
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Thursday, January 01, 2015 2:57:28 AM

From:
Mary Voegtlin Anderson

Mailing Address: 6844 30th Avenue N.E.
Seattle, Washington 98115

I am a Skagit County Property Owner of
47542 State Route 20
Concrete, Washington

Phone: 206-523-7485
mvanderson03@aol.com

As a Skagit County property owner of a second home in the Concrete area since 1989, I have strong concerns about the longstanding, ongoing drug problem in the Concrete area, which has had especially deleterious effects on young people. I have been told by students attending Concrete High School that drug use is very prevalent among students: "Everybody does drugs," as one Concrete H.S. student recently stated. This problem flourished in an environment with illegal marijuana. With the so-called legalization of pot, drug use will become even more problematic and widespread without the strictest of restraints on this "blossoming" "industry." The bottom line is that marijuana is still illegal under federal law, and that fact should provide the basis for extreme control of this substance which should NEVER have been legalized in this state.

As a former high school teacher in the Seattle area, I have personally witnessed the destruction of hundreds of kids by pot smoking when pot was illegal. I can only imagine the greater destructive effects of legal pot that is easier to acquire. Legalization of pot has already caused an increase in pot smoking in at least one Seattle school district as was reported by the media: Edmonds. Since pot is already a problem in the Concrete area and schools, I ask that you should apply the most stringent regulations to production of this very harmful substance which is NOT just another "agricultural" product. Further revisions in the Interim Ordinance should be made to create a highly restrictive situation for pot production.

No pot production in areas designated with forest zoning should be allowed, and I don't have to tell you that Skagit County abounds in those areas. I will be very upset if the pristine, natural beauty of my forested property and the adjacent nature preserve is destroyed by a nearby pot production operation. The purchase of property in Skagit County will no longer be desirable, and the county will lose the economic stimulus provided by property purchases by people like me who live outside of the area but spend money in the County. If a pot plant is set up near my property, I will probably sell and get out. The burglaries aimed at procuring drug money in my area are already a major problem, and pot industries will attract the kind of people who will perpetrate further burglaries and other crimes.

Also, instead of "five acres," ten acres or more should be the minimum lot size required for a pot production activity. I understand that five acres is the minimum acre size allowed by subdivision laws, and a larger size requirement would provide a natural barrier to a great proliferation of pot operations which will provide the impetus to an even greater decline in the desirability of the area and in the potential of Skagit County students.

I strongly support any stricter regulations you can formulate that will impede the growth of this monster euphemistically called the "pot industry." It isn't an industry. It's a bomb that will create insurmountable problems in Skagit County education and economy as pot production becomes more ubiquitous. Smoking one marijuana cigarette decreases the electrical activity in the brain by about 30 I.Q. points,

making a student with an average I.Q. barely educable with an I.Q. of 70. A bright kid, with an I.Q. of 130 has a functioning I.Q. level of 100 or average after smoking one joint. As a teacher of gifted students, I can attest that this is true and that bright kids often tend to be more likely to smoke pot if it's readily available. Another issue making pot dangerous for kids is the fact that the active ingredient is stored in body fat cells to do future damage instead of being excreted in the urine as is the case with alcohol. A professional rock musician who visited a middle school where I was teaching told the students that he and his wife had a baby that was deformed, and it was probably because of his use of pot in his earlier years. Storage in the fat cells is linked to a higher incidence of birth defects among pot smokers' kids. I could elaborate further upon the dangers of pot which I have personally witnessed in its destruction of numerous students' educational potential during my teaching career. And that was BEFORE pot was legal and more widely available. Drug use is THE major problem in today's American schools. Adult pot use is, of course, also a problem, but government should take every possible precaution to protect kids from the effects of pot usage because kids lack the knowledge and experience to protect themselves. I urge you to create a legal environment in Skagit County that retards rather than encourages the growth of an "industry" that could destroy countless young people and adults.

From: [Delinda Baughn](#)
To: [PDS comments](#)
Subject: "Interim Ordinance on Marijuana Facilities"
Date: Monday, January 05, 2015 8:31:02 AM

To whom it may concern,

Please know that I am in support of the interim ordinance on marijuana facilities but I am gravely concerned with the growing facility on the corner of Dunbar Road and Dunbar Lane for many reasons. Some include the fact the the Mount Vernon School District school bus has a stop on that corner, **directly in front of the facility**. The grower is 1.4 miles from Washington Elementary School. The grower is located in an established neighborhood. The grower has installed a fence that exceeds permitted height and is too close to the road(according to county standards). The homeowner is using the garage for commercial purposes. The property has a permit to grown "seasonal Mother's Day flowering baskets" not year-round growing. The number of containers far exceeds the legal limit of plants for medicinal marijuana.

I have owned my property for 20 years on Dunbar Road. I have no qualms with my neighbors. We are a friendly neighborhood. We do not welcome this sort of business in our neighborhood.

My work hours will not permit me to attend the county commissioners meeting on January 6, 2015.

Should you have questions, please don't hesitate to call or write.

Thank you for your time and consideration,

Delinda Baughn
17153 Dunbar Road
Mount Vernon, WA 98273

360-424-4525

From: [Shannon Bonnette](#)
To: [PDS comments](#)
Subject: I support the Interim Ordinance on Marijuana Facilities
Date: Monday, February 02, 2015 6:44:52 PM

January 5, 2015

Skagit County Commissioners Office

Skagit County Planning Department
Dept Liquor License

Re: Interim Ordinance on Marijuana Facilities

To Whom it May Concern,

First, Thank you so much for taking the time and consideration this issue needs. We so appreciate your care to hear us.

We would like you to know that we support the ordinance on Marijuana facilities in Skagit County.

We currently reside two houses down from the Dunbar grow facility and are greatly concerned about the safety issues it brings to our neighborhood and possible devaluation of our property. It is obvious that this facility also recognizes that their plants brings risks into our neighborhood, because they have erected an eight foot fence and put up at least thirteen surveillance cameras (that not only monitor their property but at least five other properties). We are also appalled that this facility has continued to ignore regulations and permit requirements, such as the over-height fencing, bringing in two large containers, and using the garage for commercial use, as well.

Please remain steadfast in your efforts to make these facilities have to follow the rules that govern our county.

This may be their business, but this is our home. This may be where they work, but this is where we play, where we lay our heads down at night. We have been here for over sixteen years, we've raised our kids here, and now our grandchildren spend much time here; one even lives with us.

Thank you so much for all your efforts. We really appreciate all you are doing!

Sincerely,

Kory G and Shannon D. Bonnette

17307 Dunbar Rd.

Mount Vernon, Wa 98273

From: [Dave Browning](#)
To: [PDS comments](#)
Subject: Comments on Moratorium on Marijuana
Date: Saturday, January 17, 2015 11:27:16 AM

Dear Friends,

I might be late to this party, but just saw the public hearing on public access TV.

Appreciate the moratorium, and would like to suggest a couple things be considered.

1. Let's be as restrictive as we possibly can be through zoning and set backs. My personal goal is to see Skagit County be drug free. Years ago I was involved in zoning related to adult book stores in Bellingham. Through zoning we were able to restrict the possible locations substantially. We may not be able to eliminate it completely, but let's limit it substantially.
2. As I'm sure you are aware, there are huge interests bankrolling the new ganja gold rush. I am much more interested in supporting local parties, than out of county or state conglomerates. Not sure how you can differentiate, but it could be through preferences to small growers and operations.

Thanks,

Dave Browning
9166 Bayview Edison Road, Bow, Wa 98232

360-420-2915

From: [CCantrell](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Thursday, February 05, 2015 3:09:41 PM

I am concerned about the likelihood of high ground water depletion associated with commercial marijuana growth on Guemes Island. Many people on Guemes already have difficulty obtaining an adequate amount of fresh water for domestic use.

High fertilizer and pesticide contamination associated with marijuana cultivation would also likely lead to ground water contamination.

Quite frankly, considering the delicate ecosystem that is inherent on islands, I am surprised that a marijuana farm is even being considered on such a small island as Guemes.

I am requesting that this farm not be allowed so we can maintain our quality of life on Guemes Island.

Constance Cantrell
6021 South Shore Road
Anacortes, WA 98221

RECEIVED

FEB 02 2015

SKAGIT COUNTY
PDS 1/31/15

To whom it may concern:

My name is Barbara Couvion and I live at 3395 Old Highway 99 North Rd. Burlington WA 98233

I support the Interim Ordinance on Marijuana Facilities.

I wanted to start with the photo below that is worth a thousand words of how I-502 has impacted me personally.



This photo was taken from a point West of my property between my home and Highway 99. The tops of marijuana production greenhouses and mobile units for drying product can be seen above eight feet high fencing between the two houses. Can you guess which house is mine and which is the house of the State licensed recreational marijuana producer and processor?

Potential criminals will have the same difficulty in determining which house belongs to the producer and processor, especially at night. My house is the beige colored home on the left that is actually closer to the production area than the home of the producer and processor on the right.

With potential criminals expecting to find large amounts of cash and dried marijuana in the home of the producer and processor, my home now becomes a potential target for those criminals.

After months of the local community expressing concerns to those at the State level involved with licensing the producer and processor at the neighboring property, the State moved forward with issuing the Tier 3 producer and processor license. Individuals at the State level have reassured the community that our concerns of safety are unfounded. How many of those individuals would feel if the proposed 12,000 square feet of marijuana grow area was situated less than ten feet from their home?

Based on my situation it is obvious why I am in support of the Interim Ordinance on Marijuana Facilities. In addition, I wanted to request that that the Ordinance be implemented permanently and that it include marijuana facilities to have setback requirements of 250 feet from any neighboring property line. I would also request that the neighboring producer and processor not be grandfathered in and that the Interim Ordinance apply to them.

Long before the neighboring property was issued their licenses by the State it was apparent I would need to take matters into my own hands when dealing with my personal safety. At 78 years old I have purchased my first hand gun. I have also felt the need to install a security system. Copies of the receipts for the hand gun and security system are shown below along with a copy of my concealed weapons permit.



Commercial Alarm & Detection, Inc.
 17199 Bennett Road
 Mount Vernon WA 98273-9789
 360 848-1533

Transmittal

Date: 08-29-2014

License: COMMEAD961LS

To: Couvion Residence
 Barbara J Couvion
 3395 Old Hwy 99 N Rd
 Burlington WA 98233

Project: 14197
 Couvion Residence Security
 Barbara J Couvion
 3395 Old Hwy 99 N Rd
 Burlington WA 98233

Prepared By: CHRISTINE COOPER

Item	Quantity	Description
	1	Invoice # 14197-1
	1	Invoice #10731

Notes

Barbara,

Glad I could help you this morning. Sorry for the confusion.

Enclosed is the invoice for the balance remaining on the installation of the security system.

Also the first invoice for Monitoring charges - through December 31, 2014 (billing is quarterly in advanced).

Invoice #14197-1 plus tax	\$1,410.50	
Paid Check #15927	1,000.00	410.50
Invoice #10731 (No tax)		80.00

Total Balance Due \$490.50

Let me know if you have any questions.

Christine

Please sign and date this form as proof that you are in receipt of the above listed items.
 Return form to Commercial Alarm & Detection, inc.

Signed: _____ Date: _____

Barbara Couvion

From: "Walther Arms Inc." <no-reply@wufoo.com>
To: <barb2@wavecable.com>
Sent: Tuesday, August 26, 2014 2:30 PM
Subject: Firearm Product Purchase Registration

Thank you for registering your firearm.

Firearm Product Purchase Registration

Name * Barbara J Couvion
Address * 3395 Old Hwy 99 North
City * Burlington
State/Territory * Washington
Zip Code * 98233
Email * barb2@wavecable.com

Check this box to join the Walther Club to receive e-mail updates with firearm related news, helpful information, and deals on top quality products from Walther Arms, Inc. You can unsubscribe at any time. Your privacy is important to us. Join the Walther Club

Model Number: * PK380
Serial Number * WB033299
Caliber * 380 ACP
Date Purchased * Saturday, August 2, 2014

By checking this box I acknowledge that I have read and understand the owner's manual and other literature that accompanied this firearm. Confirmed

Where did you purchase your firearm? Independent gun shop

Did you purchase ammunition when you purchased your firearm? Yes

If you purchased ammunition with your firearm, what brand did you buy? Hornady, PMC Bronze

What will be the primary use of your firearm? Self Defense

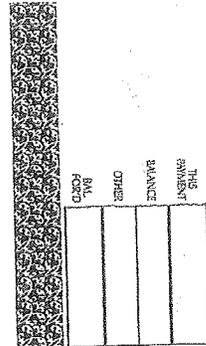
What is your age? 65 or over

**YOUR RECEIPT
THANK YOU
CALL AGAIN**

REG 08-02-2014 13:11
0008-000043

AMMO	T1	\$21.99
AMMO	T1	\$21.99
HAND GUN	T1	\$369.99
TAX-AMT 1		\$413.97
TAX 1		\$35.19
CHECK		\$449.16

NOT NEGOTIABLE



Amount of Total
of Order
Ident Order
of a Payment
**DO NOT USE
FOR REORDERING 15918**
TAX DEDUCTIBLE ITEM

8/27/2014

Local laws and ordinances on firearms are pre-empted by state laws and must be consistent with state law.

State of Washington
Concealed Pistol License

Original license fee – \$36 (5 years)
 Renewal license fee – \$32 (5 years)
 Late renewal & late penalty fee – \$42
 Replacement fee – \$18
 FBI fingerprint fee – \$16.50

Please use typewriter

Date this application initiated 7/30/2014
License issue date 8/1/2014
Hour 0900 Hours

Note to licensees:
Whenever carrying a concealed pistol, this wallet-size license must be carried and exhibited to any proper authority upon demand.

Note any distinguishing marks which will aid in identification of applicant
(Type) (Location)




As you can see from the receipts, the marijuana producer and processor business next door is causing me financial hardship since I rely on a fixed income.

In addition to concerns of my own safety I now have concerns about the safety of my granddaughter that has both autism and mental retardation that visits often. I am no longer comfortable letting her play on a swing-set in my backyard that is less than ten feet from the marijuana production area.

I also have concerns about what affects there will be on the quality and quantity of the water from my well that is less than 250 feet from the marijuana production area. There are many ways that I am impacted by the neighboring marijuana producer and processor that will have a significant impact on the resale value of my home.

In addition to being financially impacted by the marijuana producer and processor next door, I am concerned about the impact on my health. In the past I have experienced allergic type reactions when exposed to the smell of marijuana which results in severe headaches along with nasal and sinus congestion. As a result of these reactions, I will not be able to open the rear sliding doors of my home. I am most certainly not sleeping as well at night either with the fears and concerns I now have along with the marijuana grow lights on all night long.

The final question I would like to raise is why I am taking on financial burdens and having my health and safety compromised so that the neighboring marijuana producer and processor can financially benefit from their business?

RECEIVED

FEB 05 2015

SKAGIT COUNTY
POST

To: County Commissioners February 5, 2015

I, Don Crawford, P.O. Box 29454 Bellingham 98228,
wish to express my concerns about the
current moratorium affecting RRV zoned
property. As you should know, there are many
properties in the Rural Reserve Zone that
exceed 5, 10, 20 even 50 acres and more
that an I-502 operation (Producer/Processor)
could operate securely and privately without
affecting neighbors. I believe that each
application for an I-502 operation
should be considered on a one-on-one
basis. The County forfeits many good
opportunities by a blanket moratorium.

Respectfully,
Don Crawford

From: [Patty](#)
To: [PDS comments](#)
Subject: support the moratorium
Date: Thursday, February 05, 2015 11:04:20 AM

We support the moratorium. Please keep residential areas free from marijuana growing and processing.
Thanks for taking our input.

Paul & Patty Creelman
9881 District Line Rd
Burlington, Wa 98233

From: [Gary Davis](#)
To: [PDS comments](#)
Subject: Miller Marijuana Farm on Guemes Island
Date: Monday, February 02, 2015 3:12:50 PM

Dear Commissioners,

Thank you for implementing the moratorium of commercial marijuana growing in rural Skagit County.
I'd specifically like to address the facility at 5735 Homestead Lane on beautiful Guemes Island.

Some years ago I was asked to write the vision statement for the Guemes Sub Area Plan in poetic form which was adopted without modification by the commissioners. In that poem you will find the words welcome, enjoy, and do no harm to this place our home.

I live on Homestead Lane and have come to know and admire the folks who live on this little dirt road in the woods. We have three toddlers and one new born who will grow up on this lane and will I'm sure become fine productive members of our community and our larger society in part because of the environment that exist here.

That environment is now under threat by a corporation that intends to build the largest commercial drug facility allowed by the laws of the State of Washington. This facility already looks like a concentration camp with it's surveillance cameras and tall electric fences.

Others have brought to your attention the risks to our limited water supply and unknown pollution potential these kids and the rest of us will be exposed to. This is so much more than a quality of life issue.

Please do all you can to preserve what we have now and don't allow the this inappropriate commercialization and it's inevitable spoiling effect on this little dirt lane in the heart of our beautiful island.

Thank you for your consideration.

Gary Davis

From: rbrown51@comcast.net
To: [PDS comments](#)
Subject: Marijuana Moritorium
Date: Wednesday, February 04, 2015 4:24:03 PM

Dear County Commissioners,

Thirty years ago my family and I decided to move to our present home. We selected it because of the rural atmosphere as well as the advantages of a neighborhood. We moved to this location because of the other families that our kids could grow up with and because it was a safe neighborhood. We could have moved in next to a dairy or a chicken farm and got the agricultural feel, but I knew about these agri-businesses and what goes along with them. We wouldn't expect them to change their way of doing business just because I didn't like the smells and noises of their business.

Therefore, I don't see why we must endure the negative impacts of these marijuana growing operations that are disrupting my family's way of life.

The "skunk" like smells that emanate from the one just down our lane are overpowering. It requires us to close our windows because we are down wind.

The light from these operations are on at all hours of the day and night.

I don't feel it is safe for my family. The compound by our house has an 8' tall fence that is completely covered over and has cameras in the trees and on the fence. There are motion detectors that turn on flood lights if someone get to close to the fence. I'm wondering how long it will be before they install the razor wire on top of the fence and purchase pit bulls to let run inside the compound. These additions to the property are for one reason and that is to keep thieves from stealing the marijuana. No one else in our neighborhood has all of these additions and the reason is we are a residential neighborhood and not a high risk business. This has changed the look of our neighborhood. Everyone who has visited us has wanted to know what in the world is going on there.

Also, there has been a school bus stop for more than 30 years right on the corner next to our proposed marijuana business. This is not safe for these kids.

The bottom line is that this business, and ones like them do not have to be in residential neighborhoods to function. They don't even need to have natural light to function. They are better suited to industrial areas that are better equipped to handle the traffic, noise, smells, electrical demands and security concerns for these businesses. They are not families or family friendly and that is what a neighborhood is all about. They are an industry and should be treated as such.

My family's life style should not have to change to accommodate this industry just as I would not ask a dairy or chicken farm to change their business to accommodate me. I know what type of neighborhood we moved into and they should not be allowed to ruin our way of life.

Thank you for your consideration on this important matter.

Respectfully,

Randy Dean and Kathleen LaRue Brown
14745 Dunbar Lane
Mount Vernon, Wa. 98273

From: [EDWIN L. DEMPSEY](mailto:EDWIN.L.DEMPSEY)
To: [PDS comments](#)
Subject: INTERIM ORDINANCE ON MARIJUANA FACILITIES
Date: Saturday, January 31, 2015 7:14:11 AM

From: EDWIN L. DEMPSEY [mailto:ELDEMPSEY@WAVECABLE.COM]
Sent: Saturday, January 31, 2015 5:06 AM
To: pdscomments@skagit.wa.us
Subject: INTERIM ORDINANCE ON MARIJUANA FACILITIES

MY COMMENTS ARE:

I WANT TO THANK ALL PERSONS AND DEPARTMENTS INVOLVED WITH ADOPTING THE MORATORIUM ON RECREATIONAL AND MEDICAL MARIJUANA FACILITIES IN THE AREA.

I AGREE AND SUPPORT THE "INTERIM ORDINANCE ON MARIJUANA FACILITIES (ORDINANCE O20140008)".

MARIJUANA FACILITIES WILL HAVE A DRASTIC SIDE EFFECT TO THE SKAGIT COUNTY AREA.

MY CONCERNS ARE THE HARMFUL EFFECTS TO THE WATERSHED, WELL WATER SYSTEMS, SEPTIC SYSTEMS, THE WILD LIFE AND DEGRADING OF THE QUANTITY OF LIFE, PROPERTY VALUES FOR THE PEOPLE IN THIS AREA.

OTHER CONCERNS I HAVE ARE THE AFFECTS OF THE ADDED AUTO/TRUCK TRAFFIC AND THE OLD ELECTRIC POWER SUPPLY IN THE AREA, ALSO WITH ADDED BURDEN ON OUR POLICE AND FIRE DEPARTMENTS.

MARIJUANA FACILITIES SHOULD NOT BE ALLOWED ANYWHERE NEAR RUAL COMMUNITIES.

THANK YOU,

EDWIN L. DEMPSEY
19540 TRACE-TY LANE
BURLINGTON, WA.
98233-6802

From: [Ken Duncan](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Sunday, January 04, 2015 1:58:00 PM

January 2, 2015

TO: Skagit County Commissioners

RE: Interim Ordinance on Marijuana Facilities

We are writing this letter in order to explain why we support the "Interim Ordinance on Marijuana Facilities" becoming a permanent Skagit County Ordinance. Our property is located across the street and slightly north of a medical marijuana growing and processing operation at the intersection of Dunbar Lane and Dunbar Road in west Mount Vernon. It has been very hard to get accurate information regarding the guidelines that medical growing operations must follow in order to grow and process marijuana in our neighborhood. This facility used to be a greenhouse where flowering baskets (Anne's Flowering Baskets, and more recently J and G Blooms) were sold. There were only a few weeks each year when the property was visited by the public. Once the limited number of flowering baskets were sold, which was usually 2 to 3 weeks, the property was quiet and there was no impact to the neighbors.

Since marijuana production started at the property this past summer, we the neighbors, have had to deal with very strong odors from the growing of, and processing of, marijuana. This property is fairly small and any odors that are created during the growing or processing of the plants directly impacts all of the neighbors. Currently, the property is licensed to grow a maximum of 45 plants. We do not know how many plants would be allowed if the property was operated as a recreational facility, but we assume that it would be much more than just 45 plants. If the facility is indeed only growing 45 plants, the emissions from the growing and processing of marijuana would be unbearable if more plants were added to the facility.

The current operation also impacts the neighborhood with the grow lights that operate 24 hours a day for days and weeks. The lights produce enough light to require window shades on the windows in our house which were never needed since our house was built by my father-in-law Earl Angevine in the mid 1970's.

We are also concerned with information regarding the current owners not following regulations which are intended to keep our neighborhood a rural, residential neighborhood. According to the Skagit County website, there are two open and unresolved issues which include the fence height violation and the garage use violation. They are currently using a garage as a processing facility which is not allowed by the county (permit #CE03-0242). They

also installed an 8 foot fence around the property when the maximum height allowed by the county is 6 feet (permit #CE14-0125). We also believe that the setback for the fence is not legal and that the fence is too close to the road. If the current owners are not willing to follow laws and regulations, we don't expect that things will get better if they are allowed to expand or continue their operations.

Our neighborhood is classified at Rural AG Reserve and greenhouses are allowed to operate in this area. However, marijuana product is much different than growing plants or food crops. Allowing marijuana to be grown in areas where other neighbors are directly impacted is similar to allowing a small pulp processing facility or brewing facility to operate in a primarily residential area. The fumes and gases produced from the processing of the products are very strong and impact all of the surrounding neighbors without any ability to escape the pollution created by the grow operations. Not to mention any ill effects on health, should there be any. There is plenty of open farm land in rural Skagit County that could support both medical and recreational marijuana grow operations while not impacting neighbors that have lived in these neighborhoods for decades. We live where we do because we wanted to be in the "country setting" and have the ability to use the natural soil and land to grow crops and enjoy a little more privacy at the same time. We support the proposed ordinance restrictions regarding setbacks and minimum lot sizes for all future marijuana growing and processing operations in order to preserve the small, neighborhood farms that still exist in Skagit County.

Sincerely,

Ken Duncan

Sarah Angevine Duncan

14870 Dunbar Lane

Mount Vernon, WA 98273

KenDuncan99@yahoo.com

Sarahesther68@yahoo.com

From: Mle4794@aol.com
To: [PDS comments](#)
Subject: I support the moratorium. Please keep residential areas free from marijuana ...
Date: Saturday, January 31, 2015 1:09:25 PM

To: Ken Dahlstedt, Lisa Janicki and Ron Wesen,

I support the moratorium. Please keep residential areas free from marijuana growing and processing out of residential areas.

Though we don't have a problem with marijuana use or growing operations per se, **we definitely believe that a marijuana grow/processing operation will adversely affect property values in residential areas.** Would you buy a home next to one? And, if a homeowner had to lower the price so low as to attract someone who doesn't mind, the likelihood is that, that buyer is unlikely to have the resources needed to keep the property up. The result would be even more damage to surrounding property values.

A marijuana operation would serve one business person in one home while all other homes and individuals next to or near would be adversely affected. That's just not right. PLEASE CONSIDER THE GREATER GOOD.

Our home value hasn't yet recovered from the recession; it is worth less than what we paid for it seven years ago! In a few years we will need to go into some sort of retirement home and will need whatever we can sell it for to pay our way. If the value doesn't go up or goes down it will adversely affect our quality of life at the end of our lives.

Dunbar Rd is special despite having two commercial operations on its north end off Memorial Hwy. Everything else, south of there, is residential. New families with small children are buying homes sold by older, retirees. There are lots of walkers throughout the day. Visitors drive by to see snow geese, swans and horses. It brings to mind how things used to be. **Please don't let it be ruined by a commercial (marijuana growing/processing) operation right in the center of it.**

We appreciate your consideration of our concerns.

Marianne Eastham and Clark Douglas

From: [Judi Edeen](#)
To: [PDS comments](#)
Subject: Judi Edeen, 1908 Riverside Dr. Mount Vernon WA 98273, Interim Ordinance on Marijuana Facilities
Date: Thursday, January 29, 2015 4:28:20 PM

I am speaking professionally & personally on this issue. I have done a lot of research and have a lot of information on the benefits of medical marijuana.

It is common knowledge THC makes you high. It is used for pain control, anxiety, nausea. CBD is the other component in marijuana, which is healing. **CBD does NOT make you high. It boosts the immune system, it heals some cancers, it is an anti-inflammatory, and pain reliever. It is a muscle relaxant and is an anti-convulsion. It supports the neurological system and allows neurons in the brain to connect, which prevent seizures.**

I work in caregiving for the chronically and terminally ill in this community. I speak on behalf of some of my patients who rely on medical marijuana oil every day. The THC and CBD components in the oil vary, depending on their need. There is a lot of science involved and it is very expensive to process. You cannot purchase this type of product from the recreational end of marijuana.

My patients with MS would not be able to scratch their noses or fortify themselves with fluid on their own, without these oils. These oils allow muscles to relax and increase fine motor skills and range of motion in order to do the most basic things, that you and I take for granted.

My son Isaiah has epilepsy and has to have medical marijuana to counter act the side effects to RX drugs, such as extreme nausea, double vision, agitation, **even blisters on his skin!** It took me 2 months to find a collective garden which produced the right strain of oil for him to take for this type of seizure disorder. I am terrified of losing access to this medicine, because this is the only thing that is keeping my son alive. Isaiah has 20 seizures a day without CBD. His seizures last 7 minutes long and he stops breathing. My son would die without access to these oil capsules.

As you can see, it is vital to allow any garden that has already been licensed to

continue operation without abruptly closing their doors, especially those who produce high CBD marijuana, which I've learned is very hard to find!! I have found no alternative medicine for my son's life threatening illness.

The county issued licenses for these collective gardens to be in business. It appears this moratorium came about after home owners near a garden starting having issues. I am sure the county did not foresee "problems" arising when the licenses were issued. I really hope the county does the right thing to rectify the zoning approval since lives are literally at stake.

Everybody who works in the medical marijuana industry are genuine, kind, compassionate people. The people that need this medicine are not criminals and kidnapers looking to harm the community where these gardens exist. They are chronically ill and many of them can barely make it through the door to get their medicine.

If you conclude to a moratorium, at least do it on a case by case basis, so the business owners would be able to eventually find new ground to work.

Since you now know the impact a moratorium and closure to these gardens would have, then following through with this decision would definitely cause undue stress on my family and many others and may even have a grave impact on my son Isaiah.

This meeting is a result of "unintended consequences", affecting a neighborhood. NOW, How much more of an impact would there be on the patients in all of Skagit county and surrounding counties if a moratorium is the conclusion.

I guarantee you would all welcome a garden such as this if your child's life depended on it being there. It is very clear what needs to happen here.

My son's life is in your hands. This industry is in it's infancy, which makes me very fearful that something such as this very moratorium will block access for my son to have the very thing that is keeping him alive!!!!!!!!!!!!!!!!!!!!!!

Thank you for having this forum where we can all share the impact a moratorium would have on our lives.

If Children's hospital is funding \$500k toward medical marijuana research and if Congress woman Suzan Delbene see it important enough to call me personally to reassure me that they are working hard to federally legalize marijuana, then you can grant the current gardens business and or a plan to eventually move to the zone you authorize without jeopardizing their business investment or the medicine for the sick and dying community.

Please thoroughly examine the impact of your decision. I beg of you!

*Judi Edeen, Supervisor
Sunrise Home Care Agency
360-755-3802*

DREAM... BELIEVE...ACHIEVE!

From: [Patty Fero-VanWagner](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 10:47:45 PM

My name is Patty Fero-VanWagner and I live at 14762 Dunbar Lane, Mount Vernon, WA 98273

I understand that the new state law has created many challenges for our local communities and I appreciate that it is especially challenging for you as our elected officials. Thank you for your concern for our safety and well-being as a community. Please understand that we are not trying to make any anti marijuana statement. **Our concern is about making sure Skagit County takes the time to map out what the appropriate locations are going to be for marijuana facilities and we are in full support of the Interim Ordinance while the county determines the appropriate regulation through zoning in unincorporated Skagit County.** To me it seems obvious that existing residential neighborhoods are NOT appropriate locations. We need to protect our neighborhoods and our children. We need to look at whether they should be allowed in flood zones, what the impact will be in regard to crime, property values, traffic, air quality and the disposal of the debris from the plants. There are so many considerations and I encourage you to take the time and make sure we are making good decisions both short term and long term.

At the end of Dunbar Lane is the school bus stop, located directly next to a residence that was purchased last year by someone from out of state who has illegally erected a 8 foot high fence, brought in several unpermitted shipping containers and put them on the property while setting up an unlicensed marijuana growing facility. There was no public hearing regarding the fence and now it looks like a prison, complete with multiple security cameras and cars coming and going all the time. It changed a nice neighborhood into a place where we no longer feel safe or proud.

My 5 ½ year old great nephew came to live with us last year and each morning I took him to the end of the road and parked while we waited for the bus (he really, really wanted to ride that bus!). It was the most uncomfortable I have ever been in my own neighborhood. I could feel that we were constantly being watched (this was even before the multiple cameras) and I knew that if I was being watched then so was he..... and there were so many different people in and out of that house who knows who they are....over half the cars come in from out of state at 'harvest' time. They are very unfriendly towards the neighbors. I wondered daily why on earth something so inappropriate could be allowed in my residential neighborhood – and at a school bus stop no less! This was the same bus stop that my neighbor Julie took her daughters to for the last 10 years, it used to be a friendly place to stop and chat. Now her youngest daughters gets off the bus and runs home because she is so afraid of the people in that house. That is just not right. This is not an appropriate location for a marijuana facility and we cannot let this happen to our neighborhood or to anyone else's. There are more appropriate locations in our county for marijuana facilities and we need to make sure they are designated as such – making sure that our neighborhoods and our children are protected and yet still allow for the new businesses in more nonresidential commercial areas. We need to make wise choices.

In addition, as the county, you need to make sure that people cannot just put up an illegal fence and add storage containers and get away with that. The fence needs to be taken down, the storage

containers removed and the legal process followed – they need to follow the law just like rest of us. It shows a complete lack of respect for our county laws and you can best determine future behavior by past behavior so please be careful.

Thank you for your time,

Patty Fero-VanWagner

RECEIVED

FEB 04 2015

SKAGIT COUNTY
PDS

Feb 1, 2015

Dear Sir / Madam,

I am writing to share my experiences as a professional healthcare provider, regarding potential medical marijuana law changes. Clients who use cannabis under the care of their doctors have reported reduced pain & increased flexibility in arthritic joints. I see such results; concurrently, I see no anticipated negative effects in society since cannabis was voted into legal status.

Indeed, the only change in WA state society I see is that a lot of people suddenly have good jobs in the legal cannabis industry. Surely common sense & reason will prevail, as we sort ourselves out & as a society, we adjust to viewing cannabis as the medicine all human communities have used it for since ancient times. Please do your best to support the desires of WA state voters, which is to keep medical cannabis safe, legal, & creating jobs we desperately need.

Thank you for your time ~

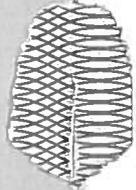
Sincerely,

Ms. Skya Fisher

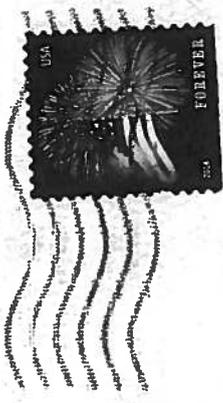


Bellingham, WA

 M Plus Skya Fisher
2900 Cherrywood Ave.
Bellingham, WA 98225
4253314



SEATTLE WA 98203
02 FEB 2015 PM 4 L



Planning + Development Svcs
1800 Continental Pl.
MV, WA 98273

attn: Comments on Interim Ordinance



From: [Robert Freeman](#)
To: [PDS comments](#)
Date: Saturday, January 31, 2015 5:39:47 PM

I support the moratorium . Please keep residential areas free from marijuana growing and processing . MR. &MRS Robert Freeman 17032 Dunbar Rd. Mt.vernon wa. 98273

RECEIVED

JAN 05 2015

SKAGIT COUNTY
PDS

Jan 5 - 2015

Interim Ordinance on Marijuana Location.
Planning and Development Services
1800 Continental Place Mt. Vernon, WA.

Skagit County Board of Commissioners:

We are very much against the Marijuana growing and processing business on the corner of Dunbar Rd and Dunbar Lane.

We are in a nice residential area and why it was allowed without any of the local people knowing about it.

We are sure that it will affect the value of our homes and property also the risk of crime because of the valuable crop they are raising.

Robert D Freeman
Mary J Freeman

ROBERT T. FREEMAN
17032 DUNBAR RD.
MT. VERNON, WASH.
98273

From: [Matthew Friedlander](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Thursday, February 05, 2015 12:38:44 PM

From:

Matthew Friedlander
1627 E Section St.
Mount Vernon WA 98274

I would like to propose a few changes to the county marijuana moratorium. I believe the main issues here involve land use and property owners right to do what is legal on their property, the delayed action of the county regarding these land uses, and unfounded fear of the industry. I also believe the county should make these changes by the end of the month so any grower operating in a greenhouse or hoop house can take full advantage of the growing season. The county should also contract a consultant from inside the cannabis industry so they have accurate information about the realities of these types of operations.

- **Remove the buffer zone and plot size limit on all properties zoned agricultural. Keep the buffer zone on properties zoned Rural-Intermediate, Rural-Reserve, and the like. Technically these zones still allow outdoor cultivation but this is not their primary use as is the case in the agricultural zones. - Land use issue**
- **Another option would be to limit the size of the marijuana operation to tier 1 only on lots smaller than 5 acres. The buffer zone however is a thinly veiled attempt to appease a few home owners in these particular neighborhoods and should be removed completely. - Land use issue**
- **Any applicant that had an address approved by the Liquor Control Board prior to the moratorium should be allowed to move forward with their business. These businesses should be grandfathered in with businesses that were already operational. - Delayed response from the County**

The main argument here is the right of a property owner to do what they want on their land as long as it is legal, which cannabis now is in our state. If the farm on Dunbar wanted to run a business collecting other farms manure and start a composting business, any property in that neighborhood is going to have issues with the smell but would not be able to shut the operation down.

The county's policy over the last few decades allowing smaller lots has effectively allowed residential building in prime farm land and is directly responsible for the issue at hand. The majority of these small lots in the agricultural zone have no farm activity at all. This was not the intended use of this land. It is meant to grow food, flowers, products, or to raise animals. If you want to change the zoning of these neighborhoods in the Ag-NRL land then do so through the proper channels, but until then allow farming activities to commence on land zoned for that purpose.

The rules regarding where cannabis can be grown has been publicly available for over a year. The county chose not to limit these areas further. Commissioner Dahlstedt made a statement in a Skagit Herald article the day after the first public hearing; "He said when the county made its

original zoning laws for recreational marijuana, planners did not expect facilities to pop up near residences." The land use in these areas allows for this type of business and should have been addressed then.

This leads to the issue of peoples fear of the industry. NO LEGAL GROW IN WASHINGTON HAS BEEN ROBBED SINCE THE FIRST LICENSE WAS ISSUED EARLY LAST YEAR. Some medical grows have been robbed but they are not required to have the security a I-502 grower is required to have. There are also no weapons allowed on the property of any I-502 grow. A grow is highly unlikely to be robbed as there is nothing of value to steal until the plant has been harvested. And having a grow in a neighborhood actually decreases the likelihood of a robbery in the same way that a neighborhood watch is effective at decreasing crime and home burglaries.

Here is an excerpt from a study conducted by the American Farmland Trust -

Non-agricultural uses of land in agricultural zones can lead to conflicts between farmers and other residents over the sounds, smells, and appearance of normal agricultural activities . However, it is important that farmers be allowed to operate businesses associated with farm production, such as farm stands and processing facilities. In general, a short list of allowable uses restricted to farming, farm-related businesses and other compatible uses is desirable.

Much of the value of good agricultural zoning is lost if agricultural zones are scattered across the landscape and interspersed with zones that allow residential and other uses on smaller lots.

Sincerely

Matthew Friedlander



**Guemes Island
Environmental Trust**
(GIET) www.gietrust.org

Mission Statement: To educate, promote awareness and take action on environmental issues affecting Skagit County.

Mailing Address:
Post Office Box 1634
Anacortes, WA 98221

Board of Directors:
Connie Snell, Co-President
Juby Fouts, Co-President
Howard Pellett, Secretary
Carol Pellett, Treasurer
Gary Curtis
Marianne Kooiman

Current Projects:
Creativity Contest
NCI Scholarship

For more information:
Connie Snell
csnell@clear.net
Juby Fouts
jubyfouts@hotmail.com

The Guemes Island Environmental Trust is registered as a charitable organization under Section 501(c)(3) of the Internal Revenue Code. Contributions are deductible to the extent allowed by law.



RECEIVED
JAN 20 2015
SKAGIT COUNTY
PDS
January 19, 2015

To: Board of County Commissioners

Re: Interim Moratorium on Marijuana Facilities

The Guemes Island Environmental Trust (GIET) supports a moratorium on new recreational marijuana production or processing facilities in rural zones, to provide adequate time for the development of regulations that will protect the rural environment.

In particular we stress the necessity of protecting the groundwater resources from depletion or contamination, i.e.

- What will be the source of water needed for the proposed facility
- How much water will be needed for the operation of the facility
- What is the proposed waste water management plan
- What will be the sources for potential contamination, including pesticides and fertilizers

GIET has been active in the groundwater issues on Guemes Island since the early 1990's. This has resulted in a baseline study by the United States Geological Survey of the hydrogeology and quality of the groundwater of the island and in the designation by the Environmental Protection Agency of Guemes Island as a Sole Source Aquifer. GIET continues to monitor a small number of wells semi-annually.

GIET is most concerned that the water issues, mentioned above, will be carefully addressed in the policy-making process.

Respectfully,

Guemes Island Environmental Trust Board

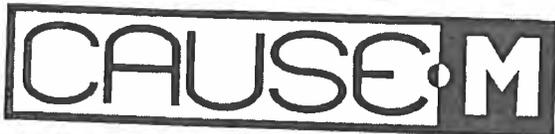


Guemes Island
Environmental Trust
P. O. Box 1634
Anacortes, WA 98221

Comments on the Interim Ordinance on Marijuana
Facility
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273



WASHINGTON
STATE
MARIJUANA
DEREGULATION
ACT OF 2015



GET INVOLVED!

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Jedidiah L. Haney

PRESIDENT | EXECUTIVE DIRECTOR

CAUSEM.ORG | (509) 607-5638 | JHANEY@CAUSEM.ORG

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

Legislators and members of the public,

Now that the 2015 legislative session is here we can either fix what is wrong with Washington State marijuana laws or we can suffer thru another year of uncertainty.

This year's 800 pound Gorilla on the capital campus is the same as last year's 800 pound Gorilla on the capital campus, marijuana or cannabis legislation.

To better understand why the marijuana issue has grown into the 800 pound Gorilla on the capital campus, the legislature and the people need to understand why we are in this mess so they can better understand how we get out of it.

The biggest reason we cannot pass legislation ending marijuana prohibition as voted on by the people, is because Marijuana prohibition provides so much revenue for so many stakeholders.

Although I-502 attempted to shift the paradigm of marijuana prohibition, to concentrating current tax revenues on enforcing property crimes, the initiative rule making process was hijacked by marijuana prohibition stakeholders who shifted the paradigm back in favor of prohibition.

These powerful stakeholders set up a "partnership"¹ and organized secret meetings with the Liquor Control Board, in violation of the Open Public Meetings Act and asserted control over the I-502 rule making process. From that point on I-502 rulemaking would be a secret and covert affair designed to allow the "partnership" to extract more money out of I-502 for law enforcement by heavily influencing the legislature with a Cole memo actually requested by the LCB and not the Governor's office.

¹ ATTACHED

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

Initiative I-502, as originally written and passed, was allegedly crafted to create a policy change from enforcing marijuana crimes, to properly enforcing property crimes by ‘legalizing’ marijuana for persons over 21.

Once the “legalization” initiative passed, the marijuana prohibition stakeholders, AKA the “partnership,” went to work to reverse the policy goals outlined in I-502. The “partnership” immediately orchestrated numerous secret meetings for I-502 implementation, to further remarket the marijuana prohibition bureaucracy and directed the Washington State Liquor Control Board take steps to get rid of medical marijuana.² The LCB, mindful of the fact that these meetings were intended only to implement I-502, took in the information and hid it so their OPMA violations would not be discovered.

Despite the LCB’s best efforts to hide their secret meetings, enough information began to leak out to the marijuana activists, that they were able piece together how the “partnership,” was able to subvert the will of the people. The documents they obtained show how the “partnership” set up a brand new prohibition in the form of a regulation bureaucracy and a ramped up law enforcement, ready to “make it too expensive”³ for the black market to compete with a grossly inflated retail marijuana model.

These public records obtained by various individuals and advocacy groups also show the subversion began with the secret AWC and law enforcement meetings with the Washington State Liquor Control Board.

² ATTACHED.

³ ATTACHED

[http://liq.wa.gov/publications/Marijuana/BOTEC%20reports/8b Tax revenue under different s
cenarios-%20Final.pdf](http://liq.wa.gov/publications/Marijuana/BOTEC%20reports/8b%20Tax%20revenue%20under%20different%20scenarios-%20Final.pdf) Page 4. Note: (If over time it becomes apparent that the continuity---and--
-high---prices view is proving correct, then there are ways Washington State policy makers could
intervene to help the I---502 industry win market share, either by lowering its costs or increasing
arrest and prosecution of black market producers to drive up their cost structure.)

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

Their messages and goals were clear, get rid of medical marijuana, and divert I-502 revenue to the cities and counties.

According to the notes from these secret meetings, medical marijuana was no longer needed because the State now had a “legal” marijuana system. The notes also described in detail how local law enforcement was needed to force black market marijuana to I-502 marijuana.

With the help of the “partnership”, which grew to include the Washington State Association of Counties (WSAC), Washington Association of Prosecuting Attorneys (WAPA), Washington Association of Sheriffs and Police Chiefs (WASPC), Municipal Research and Services Center (MRSC), Washington Association of County Officials (WACO), Washington State Patrol (WSP), Washington State Department of Revenue (DOR), the Washington State Attorney General’s Office,(WAAG) Washington Association For Substance Abuse And Violence Prevention (WASAVP), the LCB went to work.

The LCB arranged to have the legislature “give them cover”, by creating legislation that would allow them a “place at the table” for medical marijuana discussions. This strategy is outlined in an email from LCB member Chris Marr to LCB head Rick Garza.⁴ The email from Marr also introduced the other players in the effort to eliminate or de-incentivize medical marijuana.⁵ These players, knowing or unknowing, were Senator Ann Rivers I-502 entrepreneur Ezra Eickmeyer and the “partnership.”

Eickmeyer, thru Senator Rivers, proceeded to draft SB 5887, which proposed to create a medical marijuana work group, however, SB 5887

⁴ ATTACHED

⁵ ATTACHED.(Senator Ann Rivers and I-502 entrepreneur Ezra Eickmeyer. (See also Department of Revenue document drafted 9/9/2013)

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

did not pass. Senator River's and Eickmeyer then acted to get a medical marijuana work group passed through budget proviso SB 5034, To which Senator Jeanne Kohl Welles objected to because "too many conclusions would be drawn behind closed doors."⁶

Meanwhile, the rest of the "partnership" worked behind the scenes to subvert the will of the people and create law enforcement funding legislation for the "partnership."

In addition, the Washington State Patrol's Investigative Assistance Division (IAD), was tasked to help "shape" I-502 policy.⁷ The IAD, is staffed by officers considered to be loaned state employees to the federal government subject to the Westfall and Federal Tort Claims Act. Essentially, the federal government also had a hand in I-502 rulemaking thru the cross designated members of the WSP and thru direct meetings with the DEA and U.S. Attorney's office.

Soon after the passage of initiative I-502, the anti- marijuana stakeholders with the help of a broad and powerful "partnership" had

⁶ ATTACHED (Senator Kohl Welles put out an email addressing concerns about the process.) It has also has resulted in a high level of concern on the part of many patient and other advocacy groups — including even outright opposition being expressed in rallies and demonstrations. I am concerned that we would be handing over too much of our responsibility to a regulatory agency. I also worry that too many conclusions would be drawn behind closed doors, and that the process for creating these rules would circumvent public input. In many ways, the LCB has a vested interest in diverting business from the medical collectives now operating and into the retail stores when they open early next year. It is easy to argue the LCB also has a vested interest in wanting to add to its regulatory scope, and bring the medical cannabis industry into its system. This may turn out to be the end result down the road, or it may be determined that another state agency should have that responsibility.

For these and other reasons, I think it best to have the LCB focus on its task at hand, that given to them by the voters in approving I-502 — an initiative that specifically mentions it will have no effect on medical cannabis laws.

⁷ ATTACHED

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

managed to subvert the will of the people. The Washington State Liquor Control Board had arranged its “place at the table”, and the anti-marijuana bureaucracy, with the help of its new “partnership”, managed to set forth a mechanism to subvert the will of the people and glean law enforcement funding increases and interfere with medical marijuana laws when I-502 advertised just the opposite.

For its part the work group, began its job of eliminating or de-incentivizing medical marijuana under the guise of merging it with recreational marijuana.⁸

The medical marijuana work group had the same open public meetings problem as the I-502 implementation process. They also did not want the public to hear who it was they were working with in private and publically show how they arrived at its decisions.

The Governor’s office, with help from the local U.S. Attorney Jenny Durkan did their part by making sure the public knew that the medical marijuana situation was “untenable.”⁹ The urgency for a “robust” regulatory system for marijuana was further ratcheted up with the use of a document referred to as the “Cole Memorandum,” which was actually requested by the LCB, and not a mandate generated by the U.S. Attorney’s office at the request of the Governor’s office.¹⁰

The following legislative session in 2014, SB 5887 and a new bill from Senator Jeanne Kohl Welles SB 6198, offered two approaches on how to integrate and de-incentivize medical marijuana. Representative Eileen Cody also proposed HB 2149 that same legislative session. All of the bills contained language which highlighted the recommendations of the

⁸ ATTACHED

⁹ ATTACHED

¹⁰ ATTACHED

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

medical marijuana working group. The battle of killing medical marijuana in the 2014 legislative session began in earnest.

The legislators had several major hurdles to clear in order to kill medical marijuana. The most formidable of which was the fiscal impacts of the “robust” regulatory system which now included more law enforcement funding not included in the I-502 earmarks.

In an attempt to bamboozle other legislators, the fiscal notes to the Ways and Means and House Finance committees, which were put forth at the last second, did not include the actual cost of implementing the ratcheted up “robust” marijuana regulatory scheme. Furthermore, the small business impact studies were incomplete further misleading the actual financial impact of the medical marijuana killing legislation.

Some legislators refused to consider more law enforcement funding because the initiative claimed to be saving money on law enforcement funding.¹¹ As a result many marijuana activists claimed victory when all the medical marijuana bills failed to pass out of the 2014 legislative session.

Enter the 2015 legislative session.

Will Senator River’s trot out the old SB 5887 on the notion that she does not need a super majority to alter an initiative. Or will the Senator come clean with the actual sticker price of the cost of ratcheting up the “robust” marijuana regulatory scheme.

¹¹ ATTACHED (“The argument for the initiative was that it’s going to lower public safety costs, and now they’re saying it’s going to increase public safety costs with absolutely no data. (It’s troubling,” said House Finance Committee Chairman Reuven Carlyle, D-Seattle.)
Read more here: http://www.thenewstribune.com/2014/03/11/3091328_medical-marijuana-bill-in-trouble.html?rh=1#storylink=cpy

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

The simple fact is the Washington State legislature has to be tricked into approving law enforcement funding increases that were not voted on by the public. Initiative I-502 on its face shows a public policy decision to redistribute current law enforcement funding in order to properly enforce property crimes.¹²

It is clear from the efforts by the “partnership”, that in the last two years there has been a well-coordinated effort to subvert the intent of I-502 and create a new intent for “Legalization,” as passed by the people of Washington State.

That goal has been to glean law enforcement funding from I-502 which was not approved by the voters and create a new public policy goal to get rid of medical marijuana, despite the I-502 written policy goal to have no effect on medical marijuana.¹³

¹² ATTACHED (We are united in the belief that Washington should stop wasting law enforcement resources on adults who use marijuana, and instead create a tightly regulated system that takes money away from criminal organizations and generates tax revenue for our state and local governments.)

- (1) Allows law enforcement resources to be focused on violent and property crimes;
- (2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and
- (3) Takes marijuana out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol.

¹³ ATTACHED (<http://www.newapproachwa.org/sites/newapproachwa.org/files/I-502%20Background%20-%20Medical%20Marijuana%20-%20073012.pdf>)

I-502 does not change the Washington State Medical Use of Cannabis Act.

- Washington’s Medical Use of Cannabis Act, codified at Chapter 69.51A of the Revised Code of Washington, provides qualifying patients with terminal or debilitating medical conditions an “affirmative defense” to marijuana charges brought in state and local courts.
- I-502 amends Washington’s Uniform Controlled Substances Act, codified at Chapter 69.50 of the Revised Code of Washington, and makes no changes to the Medical Use of Cannabis Act. Patients will continue to be allowed to grow their own marijuana plants and possess a 60-day supply of medical marijuana.

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

Without a public vote, the Washington State legislature is on the verge of creating new marijuana public policy goals as voted on by the people in two initiatives.

Also, without a public vote, the “partnership” will once again attempt to ramp up law enforcement funding, using a self-serving and LCB requested Cole memo, that will subvert the policy goals promised by I-502.

The “partnership” will attempt to absorb all funds raised by I-502 and divert them to law enforcement and lower court funding, defeating the intended policy goal of funding other policies and other branches of government. The policy goals of removing marijuana from the hands of organized crime will not be achieved, because that activity will continue due to the over regulation of marijuana.

Not only did the Liquor Control Board fail to protect the process from the lobbying organizations, they conducted secret illegal meetings with I-502 investors, city councils, county councils, and media editorial boards , even though they knew such meetings would violate the OPMA.¹⁴

The rule making and legislative process has obviously been too heavily influenced by the “partnership”, and the legislature is too prone to those influences to adhere to will of the people of Washington State.

The people deserve a new rule making process that is protected from the secret influences of heavy hitting lobbyist from organizations like the AWC, CJTC, MRSC, WACO, WASPC, WSP, WASAVP, and WAPA. I-502 needs help or the State of Washington will perpetually fail to

¹⁴ ATTACHED

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

achieve other non-law enforcement related policy goals and the implementation of marijuana legalization.

If the legislature cannot find the means to adhere to the will of the people, and wishes to reverse the medical and recreational marijuana policy goals as voted on by the people, they should do so by referendum.

The legislation outlined in the Washington State Marijuana Deregulation Act of 2015 below, is attempting to rectify the problems outlined above.

The legislature should act on this legislation itself or put a version of it before the people in the form of a referendum for the 2015 November election.

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

Whereas the citizens of Washington State have voted to legalize cannabis/marijuana for recreational use, and have previously voted to allow compassionate use for medical marijuana, and;

Whereas the citizens of Washington State have voted to reduce school class sizes in I-1351, and are currently under a Washington State Supreme Court order to increase funding for education in State v. McCleary, and;

Whereas cannabis/marijuana over regulation is hereby considered a threat to small business pursuant to RCW 19.85.030, and;

Whereas federal district court Judge Ricardo Martinez has issued a permanent injunction requiring the State of Washington to repair or replace fish culverts over the next 17 years, and;

Whereas the Washington State Liquor Control Board has improperly conducted rulemaking, thereby making any rules they have developed subject to a court ruling that makes those rules null and void, and;

Whereas the public and the State of Washington could be put at risk by the distribution of a schedule I substance, that is currently by law regulated by a State agency that has no medical and scientific expertise required to regulate a drug listed in the most restrictive drug schedule, and;

Whereas the State of Washington has the authority to add or remove controlled substances from the Uniform Controlled Substances Act, without altering the legislative intent of federal drug classification legislation, that was not properly promulgated as a Washington State law to be legally altered, and;

Whereas the State of Washington can trigger the removal of cannabis/marijuana from schedule I the Federal Controlled Substances

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

Act, by declaring it has accepted medical use in Washington State, which would trigger the proper federal banking and tax regulation changes to support states' rights to buy and sell cannabis/marijuana, and;

Whereas the State of Washington finds that marijuana has been found to have accepted medical use in the United States, and has been found to be an herbal substance by the Washington State Board of Pharmacy in 2009.¹⁵

Therefore, The Washington State Legislature finds:

- 1. The State of Washington must act to de-regulate the natural form of cannabis/marijuana and reserve regulation costs for cannabis/marijuana derivatives in order to meet its cannabis/marijuana, education, health care and environmental policy goals and be in compliance with RCW 19.85.030.**
- 2. The State of Washington must correct its cannabis/marijuana legislation to remove excess regulation, and prevent such over regulation from achieving the policy goals outlined in section 1 of this Act.**
- 3. The State of Washington must avoid the risk of having to conduct I-502 rule making over again to prevent lawsuits and further chaos by acting on this legislation.**
- 4. Cannabis/marijuana is hereby removed from schedule I of the Washington State Uniform Controlled Substances Act.**
- 5. Cannabis/marijuana is now declared an herbal substance in Washington State and is not placed in any schedule for controlled substances.**
- 6. A new revised code shall be created for cannabis/marijuana the herbal substance and its uses.**

¹⁵ ATTACHED

WASHINGTON STATE MARIJUANA DEREGULATION ACT OF 2015

7. The use of cannabis/marijuana the herbal substance for medical purposes will be placed under the direction of the Washington State Board of Naturopaths in RCW 18.36A. (RCW 18.38A.020 (10)).
8. The Washington State Attorney General's office will notify the U.S. Attorney General that Washington State has cited scientific and medical evidence to support its removal of cannabis/marijuana from the Uniform Controlled Substances Act, and has recognized it as an herbal substance.
9. Cannabis/marijuana the herbal substance in its natural form shall be taxed at the producer, processor, and retailer at the standard level established for other production, processing and retail processes. Qualified medical marijuana/cannabis patients will not pay sales taxes.
10. All cannabis/marijuana derivatives will be taxed at a rate of 15% at all stages of, processing, and retail. Qualified medical marijuana/cannabis patients will not pay sales taxes.
11. Persons under the age of 18 will be prohibited from accessing the herbal substance cannabis/marijuana, without the authorization from a parent, legal guardian and health care professional.
12. Individuals over the age of 21 shall be permitted to grow a base amount of 9 plants per person with a household limit of 27 not to exceed 9 oz. of dry weight per person. These amounts were previously adopted by law enforcement when they themselves determined personal use amounts for personal marijuana consumption.¹⁶ All medical cannabis /marijuana patients can exceed these limits if authorized by a health care professional to do so.
13. I-502 investors will be protected from potential collusion and anti-trust agreements that are attempting to seize market shares of recreational marijuana sales.¹⁷

¹⁶ ATTACHED

¹⁷ ATTACHED

FOOTNOTE 1



Overview

House keeping -
- don't need phone muted - ~~turn~~ IA ?'s

Thank you to our PARTNERS: ←★

- WSAC
- WAPA
- WAFPC
- MRSC
- WAB
- CJTC

Candice Bock, AWC Thank our speakers. Bios

Ian Goodhew, Deputy Chief of Staff for King Co.
Prosecuting Attorney's Office

Jennifer Parda, senior associate, Sebris Busto James

Rick Garza, Liquor Control Board Deputy Director



Board of Directors

Liquor Control Board

PO Box 43080

Olympia, WA 98504

RE: Draft Recommendation of the Medical Marijuana Work Group

Dear Liquor Control Board Members;

Thank you for the opportunity to comment on the proposed recommendations from the medical Marijuana Work Group. We were pleased to see the budget proviso language addressing the interaction of medical marijuana and recreational marijuana. Cities across the state have been struggling with how best to address the proliferation of medical marijuana outlets.

We believe that the recommendations developed by the Work Group are on target with addressing the challenges associated with medical marijuana. We are sympathetic to the needs of patients and the potential benefits they receive from medical marijuana; however, the rampant abuse of medical marijuana authorizations and the proliferation of collective gardens and dispensaries presents a real problem in our communities. These abuses also represent a significant threat to the success of the new recreational marijuana industry. The US Department of Justice has been very clear in their expectations that our State maintain strong and effective regulatory and enforcement systems. The recommendations developed by the Work Group move our State in the right direction for meeting the standard set out by the Department of Justice.

While we are encouraged by the recommendations, we are concerned with the proposal to exempt medical marijuana from local sales taxes, but not the State excise taxes. At present, these taxes are the only source of funding local governments will see from marijuana sales and the only source of additional revenue to fund enforcement of illicit activity. We are asking that the State provide a consistent and sufficient source of funding for local governments to address the additional enforcement needs prior to reducing any local sales taxes.

We support the reconciliation of the two systems. Greater clarity will make it easier for cities to provide clear local zoning and other business regulations and will provide more certainty for local law enforcement in enforcing illegal activity. Thank you for your efforts and we encourage you to continue moving forward. We look forward to our continued partnership on this issue.

Sincerely, 



Mike McCarty

CEO

Liquor Control Board

Page 2

June 4, 2013

- WAC 314-55-040: The rules should be clear that criminal history includes both in-state as well as out-of state convictions. The points accumulation for failure to disclose criminal history should be at the very least increased and the LCB should consider making such a failure an automatic disqualification for a license applicant.
- WAC 314-55-045 (11): To insure compliance with the 1,000 feet restriction, the applicant should be required to provide a map stamped by a licensed surveyor identifying any restricted facilities and certifying compliance with the rule. Additionally, the LCB should develop a procedure for addressing the circumstances when a restricted use like a child care center locates within the 1,000 feet radius after the license has been issued.
- WAC 314-55-050: The local jurisdiction should be notified any time a license is denied, suspended or revoked.
- WAC 314-55-081 Number of retail licenses: The rule references the number of licenses permitted, but has not yet identified how that number will be determined. Cities need to better understand how that number will be developed and how the distribution will be implemented. We would like to be included in the discussions as the LCB develops that process.
- 314-55-147 – The hours of operation from 6am to 2am seem to be modeled after liquor retailers, but since these will be stand-alone stores with no onsite consumption it seems unnecessary to have lengthy hours. We strongly encourage consideration of local input into hours of operation.
- WAC 314-55-155 Advertising: In addition to the proposed restrictions, any advertising must also be subject to the applicable local signage ordinances.
- WAC 314-55-165 (1)(f): This sections says that objections by the public to a license renewal will be referred to the local jurisdiction for consideration. However, we strongly believe that as the licensing authority it is the LCB's responsibility to investigate and respond to objections raised by the public about any licensee. Any other approach would be an attempt to transfer this responsibility to the local jurisdiction which lacks any direct authority over the licensee.
- WAC 314-55-520 – 535 violations and penalties: Given the sensitivity of the marijuana market, we are concerned that there are number of violations for which the penalty does not accrue to the point of license revocation. Of particular concern are those violations having to do with minors on the premises or employed at the business. Given the strong desire to keep this drug away from minors, it would seem appropriate to have an escalating penalty resulting in revocation for those violations. Additionally, the penalty for a licensee or employee consuming on the premises should also result in license revocation after repeated violations similar to liquor license requirements.

We continue to be concerned about the local impacts implementation of legalized marijuana will have on cities particularly in the area of law enforcement. Cities agree with the assessment that the legal market will only work if there are adequate controls in place and effective enforcement against the black market. To that end, we believe that there will be a need for financial resources provided to the local jurisdictions to help with that enforcement. We hope to work with the Board and the Legislature to secure that financial support.

AWC values the opportunity to provide comments on the proposed rules. If you have any questions about these comments, please feel free to contact Candice Bock (candiceb@awcnet.org) in our office. We look forward to continuing to work together on this issue. Again, we appreciate the Board's willingness to engage cities in the discussion and implementation of these rules. An issue this complex requires strong partnerships and we are committed to partnering with the Board moving forward.

Sincerely,



Mike McCarty
CEO

Attachment: Cities' survey responses



October 4, 2013

Board of Directors
Liquor Control Board
PO Box 43080
Olympia, WA 98504

RE: Proposed WAC 314-55 Marijuana Licenses, Application Process, Requirements and Reporting

Dear Liquor Control Board Members:

I am writing again on behalf of our 281 member cities with comments on the proposed rules regarding implementation of legalization of marijuana under Initiative 502. I want to reiterate how appreciative we are for Board's willingness to reach out to cities and partner with AWC on training opportunities.

As the Board prepares to adopt the final rules for implementing the recreational marijuana market, we believe it is appropriate to focus on the need to address public safety and enforcement. As everyone has acknowledged, enforcement of the illicit market and reconciling the recreation and medical markets will be key to the successful implementation of the recreational market. The state needs to develop a comprehensive enforcement strategy in cooperation with local law enforcement. We must work together if this is going to be effective. The State cannot expect local law enforcement to be the leaders on enforcement without providing sufficient funding and without adequately reconciling the un-regulated medical and highly-regulated recreational markets. We need the state to provide local government with adequate financial resources by sharing the revenue generated from marijuana sales so we have the ability to fund the appropriate public safety response. We also need the State to take the necessary steps to reconcile the two markets during the next legislative session. Without certainty and clarity between these two markets, it will be next to impossible for our police and prosecutors to take enforcement action.

In addition to these larger public safety and enforcement issues, we continue to hear from cities with concerns about the following aspects of the rules:

- The definition of parks: The Board included Metropolitan Parks Districts, but under state law there are additional types of parks districts. The definition must be expanded to include Parks and Recreation Districts and Joint Park and Recreation Districts. We are also concerned about the complete exclusion of trails from the definition of parks. There needs to be consideration for trail facilities in considering the 1,000 buffer.
- The definition of playground: Similar to the previous comment, this definition should be updated to include facilities owned and operated by Metropolitan Parks Districts, Parks and Recreation Districts and Joint Park and Recreations Districts.

- The definition of recreation center: Many recreation centers are owned and operated by parks districts. The Board should include those owned by Metropolitan Parks Districts, Recreation Districts and Joint Park and Recreation Districts in the definition.
- Renewal notices: WAC 314-55-165 says that the board will give governmental jurisdictions "approximately ninety days written notice of premises that hold annual marijuana licenses in that jurisdiction that are up for renewal". Cities would prefer that it say "a minimum of" ninety days written notice rather than say "approximately". "Approximately" is too ambiguous.
- Locating any marijuana base business in residential areas: We understand that it is the intent of the LCB to preclude the siting of any licensee in a residential area, but there is still some confusion from cities based on the wording of the rule. We would recommend a very clear statement addressing the prohibition of locating in any residential area.

We look forward to continuing our partnership to see this effort through successfully. If you have any questions about these comments, please feel free to contact Candice Bock (candiceb@awcnet.org) in our office. Thank you for the opportunity to share our comments.

Sincerely,



Mike McCarty

Chief Executive Officer

FOOTNOTE 2

Thanks for your help. Please let me know if you have questions. Thanks.

From: Smith, Brian E
Sent: Tuesday, January 15, 2013 12:34 PM
Cc: Smith, Brian E
Subject: Media Release; Liquor Control Board Announces Public Forums on I-502 Implementation

Description: Description: wslcb-letterhead.jpg

Liquor Control Board Announces Public Forums on I-502 Implementation

**For Immediate Release
2013**

January 15,

OLYMPIA – The Washington State Liquor Control Board will hold six evening public forums across Washington regarding the implementation of Initiative 502. The forums are an opportunity for interested citizens to meet WSLCB staff involved in implementation, be updated on implementation and to provide input to the Board for it to consider as it develops rules.

"Clearly there is passion about what Washington's system of legal marijuana will look like when fully implemented," said Board Chair Sharon Foster. "This is an opportunity for the public to meet the Board and staff involved in implementation, learn about our role in implementation, and to provide testimony. We appreciate the cooperation of the Association of Washington Cities for their help in arranging these forums."

Schedule (2013)

? 1/22: WSLCB Headquarters, Conference Room 201

13-2-01603-3 LCB

00000681

From: Lopez, Sheri L
Sent: Wednesday, February 13, 2013 12:09 PM
To: Trotter, Samantha E.
Subject: Minutes - Law Enforcement Meeting

February 12, 2013 at the Spokane Police Department Academy
Began at 10:05am Ended at 11:25am

LCB Staff Present:

1. Rick Garza
2. Chris Marr
3. Ruthann Kurose
4. Brian Smith
5. Alan Rathbun
6. Justin Nordhorn
7. Sheri Lopez

16 Law Enforcement Officers attended the meeting, representing 11 agencies:

1. Pend Oreille County Sheriff's Office
2. U.S. Border Patrol
3. Spokane Police Department
4. D.E.A.
5. Pullman Police Department
6. WSU Police Department
7. Liberty Lake Police Department
8. U.S. Secret Service
9. Spokane County Drug Task Force
10. Spokane County Sheriff's Office
11. U.S. Marshal

Chris

- Welcomed everyone as we went around then room introducing ourselves
- Briefly spoke on two current issues - 1) control of illicit drugs, and 2) medical marijuana not covered in I-502
- Rules must be put together by December 1, 2013 - not required to have the stores open by then but the public expects it

Ruthann

- Voiced concern with diversion to the black market

Rick

- Handed out I-502 Fact Sheet, Tentative Rulemaking Timeline, RFP, Forum Schedule, FAQ Sheet, and Law Enforcement Fact Sheet

Justin

- Criminal history - what's the risk threshold

13-2-01603-3 LCB

00000662

Law Enforcement Concerns & Comments

- State needs to fix the medical marijuana laws which allows for 24oz, 15 plants and no taxes – medical marijuana participants likely sell their excess
- I-502 changed the definition of marijuana to include THC content – currently no way to charge as there's no way to test THC except at the crime lab
- Prosecutors and Courts have really backed-off on marijuana convictions
- If medical marijuana requires a Rx – why not regulate like opiates
- o Medical marijuana requires an “authorization” not a Rx
- o Currently the “authorization” does not include an expiration date – Legislature may look at placing specific time limits on “authorizations” and creating a registry
- Marijuana smuggling from Canada seems to have decreased cut in reality it has moved farther east before entering the U.S.
- Street dealers will undercut the state costs, plus no taxes and only a hand-slap from the courts
- Drug dealers are hiding behind the medical marijuana “authorization”
- 200 WSU students (18-22 years of age) have medical marijuana “authorization”
- o Investigation showed a member of NORML set-up a clinic at a frat-house and for \$200 cash the marijuana practitioner would issue an “authorization”
- No way I-502 and current medical marijuana laws will work together
- What to do with theft/burglaries at marijuana stores
- o Justin commented on discussion around a “gun store” model
- I-502 does not include open marijuana containers in a vehicle
- There has been an increase in public consumption of marijuana
- How do you address the issue of agencies funded or partially funded by federal money
- How many marijuana grows are anticipated
- o It will be based on estimated consumption rate
- o Possibly modeled after the former liquor store model of 350 stores
- Nothing in I-502 allows for money back to law enforcement agencies like the liquor laws
- Laws need to back the packaging, labeling, etc.
- Will the marijuana stores be allowed to be armed
- Where are we going to be in 10 years
- o Medical marijuana was enacted 10+ years ago and it's still not right

SLL:sll

13-2-01603-3 LCB

00000663

Good morning SCSPCA members:

As I mentioned in our meeting last Thursday, Liquor Control Board Chair, Sharon Foster, asked me to offer the LE professionals of Snohomish County the opportunity hear from the Board and to hear your comments on the implementation of I-502. Obviously, the input from Sno-County law enforcement would be of great value to us as we move closer to our December 1st deadline.

At this point I am just trying to get an idea as to the level of interest. If you think a one-hour law enforcement forum with the Board would be a valuable to you, I will set something up in the Everett area. All I need for now is an e-mail reply from you whether you or your staff would be interested in attending a short forum with the Board. I appreciate your consideration and I look forward to hearing back.

The Board would like to meet on the same day as one of our public forums. On February 19th we have scheduled a public forum in Mount Vernon. I could try to set something up in Everett area for early afternoon.

<http://www.liq.wa.gov/publications/rules/2012%20Proposed%20Rules/Notice-to-stakeholders-12-26-MJ-producer-license-and-requirements-CR101.pdf>

<http://www.liq.wa.gov/publications/Marijuana/I-502/Fact-Sheet-I-502-REVISED-11-19-12.pdf>

Thomas A. Dixon, Captain

WSLCB Logo.gif

Northwest Region

13-2-01603-3 LCB

00000679

From: Lopez, Sheri L [SLZ@LIQ.WA.GOV]
Sent: Tuesday, March 05, 2013 4:15:02 PM
To: Trotter, Samantha E.
Subject: Meeting Minutes - Law Enforcement Meeting - Yakima

Follow Up Flag: Follow up
Flag Status: Completed

February 28, 2013 at the WA State Patrol District 3 Headquarters

Began at 11:00am Ended at 12:10pm

LCB Staff Present:

1. Pat Kohler
2. Rick Garza
3. Sharon Foster
4. Chris Marr
5. Ruthann Kurose
6. Brian Smith
7. Alan Rathbun
8. Justin Nordhorn
9. Steve Johnson
10. Dan Rehfield
11. Ingrid Mungia Gourley
12. Kent Williams
13. Marie Reddout
14. Mary Segawa
15. Sheri Lopez

13-2-01603-3 LCB

00000650

17 Law Enforcement Officers attended the meeting, representing 15 agencies:

1. Sunnyside PD
2. WA State Patrol
3. Wapato PD
4. Benton County Sheriff's Office
5. Franklin County Sheriff's Office
6. Mabton PD
7. Toppenish PD
8. Connell PD
9. Pasco PD
10. Richland PD
11. West Richland PD
12. Tieton PD
13. Selah PD
14. Yakima PD
15. LEAD (drug task force)

Rick and Pat gave a short presentation/overview of I-502

- Handed out I-502 Fact Sheet, Tentative Rulemaking Timeline, RFP, Forum Schedule, FAQ Sheet, and Law Enforcement Fact Sheet

Law Enforcement Concerns & Comments

- Illicit markets – illegal grows – will still remain under local law enforcement

13-2-01603-3 LCB

00000651

- What about marijuana leaving the state – how will it be controlled?
- Will the grows be indoors only?
- o Concern that theft/trespass calls will increase if outdoor grows
- Will purchases be tracked?
- o What would stop someone from making multiple legal purchases?
- o Suggest a pawn-store documented tracking system
- What about tracking those folks under DOC supervision?
- o Suggest a pharmacy-style system like the one used for ephedrine purchases
- What about jail in-take? Do we return legal marijuana when a person is released?
- o Would giving it back be a violation of federal laws?
- o It should be handled like alcohol and not placed into a person's property upon being booked
- Label and package like cigarettes
- Yakima leads the state in illegal outdoor grows
- Franklin County eradicates 20,000-40,000 plants annually
- Background checks for licensees/applicants
- o How deep will they go
- ü LCB is consulting with the Gambling Commission
- ü LCB is considering fingerprinting financiers
- Will I-502 apply to tribes/reservations?
- o Reservation grows is why Yakima County leads the state in illegal outdoor grows
- o So far the Feds are saying, "...not in federal buildings, on federal land, etc."
- o The AG is looking into the tribal issues

13-2-01603-3 LCB

00000652

- Alcohol is sold in sealed containers – can marijuana also be sold in sealed containers? (ie: open container law)
 - o I-502 not definitive on open container
 - o City ordinance can be adopted but packages need to not be re-sealable; like alcohol, once open the seal is broken
- I-502 does not address medical marijuana
 - o Legislature is looking at ways to tighten-up the I-502/medical marijuana issue
 - o Needs to be one system, not two separate systems
 - o Change asset forfeiture laws to help law enforcement
 - o Eastern WA – no medical marijuana dispensaries but full of marijuana agriculture
 - ü One plant can be 6'H x 5'W and yield 4lbs-6lbs of marijuana
- Can marijuana be chemically marked to show it's legally purchased?

SLL:sl

13-2-01603-3 LCB

00000653

Enforcement & Education Division

Phone: 360-739-1616

Fax: 360-704-4952

The Enforcement & Education Division's personnel carry out their duties with the highest standards of personal and professional ethics based on honesty, integrity and trust. Every individual who comes in contact with a division employee is to be treated with the highest level of courtesy and respect.

From: Smith, Brian E
Sent: Thursday, January 17, 2013 1:34 PM
To: Nordhorn, Justin T; Johnson, Steven D
Cc: Kohler, Pat A
Subject: Law Enforcement Mtgs.
Importance: High

Justin, per our brief conversation.

Below are the dates and locations for our public forums. Between the Board and staff, we wanted to make the most of the travel days. For example, in some places we'll be meeting with city officials or the U.S. Attorney. We would like provide an opportunity for local law enforcement to meet with board members or staff on 1502.

Law Enforcement

? Will you work with your regional captains on a strategy for outreach to the law enforcement in the location of the forums.

? If appropriate, please include surrounding cities/towns/counties. Olympia and Seattle aren't necessary, but the remaining four are in play.

? We would need one law enforcement agency to host the hour-long discussion. We'll also need to coordinate with the other activities going on that day.

13-2-01603-3 LCB

00000680

From: Dave Rodriguez [DRodriguez@nw.hidta.org]
Sent: Wednesday, January 30, 2013 1:13:42 PM
To: Dixon, Tom A
Subject: RE: I-502 Law Enforcement Forum with the Liquor Control Board Members

Tom

It was good to meet you at the Chiefs meeting. You asked me to follow up on this issue; below are just a few of my observations. My contact information is at the bottom of this message.

Because legalization of Marijuana has not been allowed in any US state or territory we are breaking new ground. Colorado enacted strict regulations regarding their Marijuana dispensaries but there was still considerable diversion to the illegal market. Some of their restrictions involved the location and size of their dispensaries, background on dispensary operators, barcoding of their plants, no advertising, etc. (see attachment for issues surrounding dispensaries). All of these issues should be addressed in any rule making. Also many dispensaries, particularly in California, have been involved with Money laundering because it is a cash business with no audits.

I believe it would be preferable to develop a nonprofit model similar to the State Liquor stores that would be subject to State oversight and regular audits. All contracted employees would be subject to a strict background check; no criminal violations and polygraph on demand. All stores, processing and production sites should have security cameras and guards and all losses of money or product reported immediately to law enforcement. There should also be a residency requirement to reduce out of state drug tourism.

Below are other issues raised by WASAVP; the key one being the repeal of the Medical Marijuana Statute that would eliminate a big headache for law enforcement.

The Washington Association for Substance Abuse and Violence Prevention (WASAVP) is developing a white paper addressing the implementation of I-502 which should be finalized in the next few weeks. Among the issues and recommendations to be addressed:

- Budget increase for prevention services/programs
- Budget allocation for treatment services (not addressed in current legislation)
- Budget increase for LCB enforcement personnel (current allocation will support app.

13-2-01603-3 LCB

00000677

- 30 FTEs for a state-wide industry)
- Budget allocation for law enforcement (not addressed in current legislation, overlooking impacts related to impaired driving and criminal activities associated with the production, processing and selling of a valuable and high-demand commodity in a cash-only environment)
 - Regulation and oversight of "medibles" (not addressed in current legislation)
 - Repeal of the current medical marijuana statute which is rendered redundant with the passage of I-502 and allows the continued operation of collective gardens (while personal cultivation is prohibited by I-502), nominally-regulated "dispensaries"(outside of and in competition with state-sanctioned sales), and access for youth and adolescents who obtain parental consent to obtain a Medical Marijuana card.

My colleague in Colorado informed me that the Governor of Colorado has appointed a rule making committee that has until mid-February to send him recommendations on implementation of the Statute. As with us whatever rules are adopted will go into effect at the end of the year. If you need further information or expansion on the issues raised let me know. Regards, Dave

Dave Rodriguez
Director NW HIDTA

300 Fifth Avenue, 13th Flr.

Seattle, WA 98104
(206) 352-3600
{HYPERLINK "mailto:drodriguez@nw.hidta.org"}

From: Dixon, Tom A [mailto:TAD@LIQ.WA.GOV]
Sent: Wednesday, January 30, 2013 7:18 AM
Subject: I-502 Law Enforcement Forum with the Liquor Control Board Members

13-2-01603-3 LCB

00000678

PREVENT!

The Substance Abuse Prevention
Coalition of Clark County

Dear Washington State Liquor Control Board,

2/7/13

PREVENT! Coalition is a substance abuse prevention coalition in Clark County WA. Since 2005 PREVENT! has been working to realize the vision of a "healthy, thriving Clark County free of the effects of substance abuse." The personal possession and recreational use of the cannabis plant is in direct conflict to this vision. We understand the Liquor Control Board has a tall order and short time frame to develop the rules and regulations for the manufacturing, processing and selling of marijuana. The production, processing and selling of marijuana is an extremely important matter for our community. We do not want to see any element within this process that would jeopardize our youth or encourage criminal activity to exist due to increased access of marijuana within this legislation.

Marijuana abuse has negative consequences for youth and communities:

- Youth who use marijuana are 28% more likely to receive C's, D's, and F's in school than youth who do not. *2010 Healthy Youth Survey*
- Marijuana dependence accounted for 62% of youth admissions to WA treatment programs. *Washington State Treatment Assessment Report Generation Tool (TARGET) 2011*
- The risk of heart attack is five times higher than usual in the hour after smoking marijuana. *"Marijuana and Heart Attacks." Washington Post March 3, 2000*
- Weekly marijuana use doubles the risk of developing depression and triples the incidence of suicidal thoughts amongst youth. *"Drug Abuse: Drug Czar, Others Warn parents that Teen Marijuana Use can Lead to Depression" Life Science Weekly, May 31, 2005*
- Critical skills related to attention, memory and learning are significantly impaired among marijuana users, even after 24 hours have passed since the last use. *NIDA. "Research Report: Marijuana Abuse," Oct. 2001*
- Drivers who have used marijuana are more than twice as likely as other drivers to be involved in car crashes. *Epidemiologic Reviews, "Marijuana use and Motor Vehicle Crashes," Oct. 2011*

2500 NE 65th Ave.
Vancouver, WA 98661
360-750-7500 x144
www.preventclarkcounty.org

13-2-01603-3 LCB

00000114

PREVENT!

The Substance Abuse Prevention
Coalition of Clark County

PREVENT! recognizes that there are complicated legal and social issues surrounding marijuana use and abuse. PREVENT! believes that treatment and prevention efforts must address the social and psychological reasons that youth use marijuana, as well as advocating for responsible laws that limit youth exposure and access to marijuana. We support appropriate marijuana product labeling, significant advertising restrictions, outlet density restrictions, mandated responsible vendor programs, and other protective measures which can help protect kids and communities. Below is a list of recommendations we support. This list was created in partnership with the Washington Association for Substance Abuse and Violence Prevention.

Provisions to Promote Healthy Children and Communities in a Legal Marijuana Marketplace

- **Increase Funding for Prevention** to the Division of Behavioral Health and Recovery, Office of the Superintendent of Public Instruction, Community Mobilization Program, Community Networks, , and grants directly to community programs focused on substance abuse prevention.
- **Increase Funding for Substance Abuse Treatment** including funding for school-based Prevention/Intervention Specialists (drug counselors) through the Educational Service Districts for every Middle and High School to keep kids off marijuana and ready to learn.
- **Restrict Outlet Density** to minimize exposure of youth to marijuana products and/or use. In addition to be thoughtful and minimize outlet locations in terms of disadvantaged neighborhoods.
- **Marijuana Social Host Laws** to prevent youth marijuana use in homes and unmonitored house parties.
- **Restrict Advertising** on marijuana advertising including sponsorships, point-of-purchase marketing, and depictions in entertainment venues.
- **Restrictions on Product Sampling** in stores, farmers markets, or any licensed outlet.
- **Mandatory Responsible Vendor Training** for all licensed vendors and medical marijuana providers.
- **Smoke-Free Laws Apply** to marijuana use where tobacco smoking is banned.
- **Limit on Hours of Sales** for all licensed vendors.

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00000115

PREVENT!

The Substance Abuse Prevention
Coalition of Clark County

- **Limit on Number of Purchases Per Day** to support limitations on personal possession amounts and discourage the black market.
- **Ban on Internet Sales/Delivery** of marijuana to keep sales in the controlled and regulated environments of licensed retail outlets and avoid additional access points for youth.
- **Require State Residency for Marijuana Purchases** at state-licensed stores to discourage the black market and illegal interstate/international trafficking.
- **Increase Funding for Liquor Control Board Enforcement** so more than 25 additional officers are in place for enforcement of the entire industry; including enough to adequately conduct compliance checks on all vendors.
- **Increase Funding for Law Enforcement** for training and additional staff to adequately enforce driving under the influence of drugs (DUID) laws and for equipment for court-admissible testing for marijuana intoxication in the field.
- **Greater Industry-Financed Fund** from marijuana profits to pay for the health-related costs among the adolescents, including an increased need for diversion programs and treatment, so that taxpayers won't have to pick up the tab.
- **Protect Marijuana Dedicated Fund** by putting it in a trust account, or similar fiscal structure, that permanently protects it from being transferred into any other fund including the State General Fund or tapped for other purposes.
- **A Surgeon General's Report** on the impact of legal marijuana on adolescents to be included with mandated reports/tracking under I-502.
- **A Penalty Fee** on the marijuana industry for every new underage user.
- **Repeal or Reform "Medical" Marijuana Law** to reduce youth access from personal grow operations. Medical Marijuana Law is redundant and unnecessary under legalization, reduces I-502 tax revenue, and jeopardizes I-502 adolescent harm reduction measures. Consider access for non-smoked cannabinoids via pharmacies.
- **Marijuana Controlled by the Food and Drug Administration** like tobacco is now.

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13-2-01603-3 LCB

00000116

PREVENT!

The Substance Abuse Prevention
Coalition of Clark County

- Automatic Repeal (or Amendment) of marijuana legalization if underage marijuana use exceeds certain levels (or trigger for significant increased funding to prevention and treatment until use rates decline).

Thank you for your time and consideration of these suggestions. We look forward to partnering with the WA State Liquor Control Board in this process of rulemaking for the implementation of I-502 within our communities.

Sincerely,
PREVENT! Coalition

2500 NE 65th Ave.
Vancouver, WA 98661
360-750-7500 x144
www.preventclarkcounty.org

13-2-01603-3 LCB

00000117

From: Drake, Randy (WSP)
To: Batiste, John (WSP)
Cc: Hattell, Curt (WSP); Lever, Jim (WSP)
Subject: Re: Opportunity for You to Shape Marijuana Policy
Date: Friday, January 18, 2013 10:36:25 PM

Will do!

From: Batiste, John (WSP)
Sent: Friday, January 18, 2013 10:34 PM
To: Drake, Randy (WSP)
Cc: Hattell, Curt (WSP); Lever, Jim (WSP)
Subject: Fw: Opportunity for You to Shape Marijuana Policy

Randy, please assign someone to be our agency's representative to help the LCB shape their marijuana policy on I-502.

Chief John Batiste
Washington State Patrol
Agency Motto:
"Service With Humility"

From: Jim Cooper at TOGETHER! [mailto:jcooper@thurstontogether.org]
Sent: Thursday, January 17, 2013 02:50 PM
To: Batiste, John (WSP)
Subject: Opportunity for You to Shape Marijuana Policy

Having trouble viewing this email? [Click here](#)

Hi, just a reminder that you're receiving this email because you have expressed an interest in TOGETHER!. Don't forget to add jcooper@thurstontogether.org to your address book so we'll be sure to land in your inbox!

You may [unsubscribe](#) if you no longer wish to receive our emails.



Jim's desk header graphic



You Can Help Shape State Policies

Dear John,

As you may know, the Washington State Liquor Control Board will be the agency in charge of implementing the new marijuana laws in our state. We're treading new ground here and a lot of policies have to be created. And you can be a part of the rulemaking process! There are many ways to do this.

- First, you can **attend an LCB public forum**. One is scheduled for this Tuesday, Jan.

22, at 6 p.m. at the LCB main office (3000 Pacific Ave SE, Room 201; Olympia, WA 98501). Depending on your interest in the issue, you can attend just to listen to the ideas being presented, or you can speak and offer your own thoughts. Here's a page with more information and the full agenda. TOGETHER! staff will be there to testify. (See below for a few points we'll be addressing.)

- Another thing you can do is **provide written comments** to the LCB via email or fax (360-664-9689). The deadline for written comments is Feb. 10.
- And to make sure you always **get the latest news** on what's happening with marijuana at the LCB, sign up for their listserv.

Let me know if you have any questions! We hope to see you Tuesday at the forum.



P.S. Having good information is key to successful and appropriate policies, and to being an engaged citizen. Please look at this data sheet, which shows teen marijuana use statistics in Washington state. And below is a list of provisions drafted by one of TOGETHER!'s partners that we feel promote healthy children and communities in a legal marijuana marketplace. Happy reading and learning!

How to Promote Healthy Kids and Communities

We know you share a common thread with us of caring deeply for the youth in our community and making sure they have successful futures. Washington State Healthy Youth Survey data illustrate that the perception of harm from regular marijuana use is steadily declining, while marijuana use among teens continues to climb. Marijuana use is detrimental to proper youth development and achievement.

Here is a list of provisions to promote healthy children and communities in a legal marijuana marketplace. These are what guide us in our approach to this issue.

Provisions to Promote Healthy Children and Communities in a Legal Marijuana Marketplace (Abridged)

From the Washington Association for Substance Abuse and Violence Prevention

1. No advertising of marijuana at all.
2. No product placement, sponsorships, point-of-purchase marketing, or depictions in entertainment venues.
3. Restrictions on product sampling in stores, farmers markets or any licensed outlet.
4. Mandatory responsible-vendor training for all licensed vendors.
5. Smoke-free laws apply. No marijuana use where tobacco smoking is banned.
6. Limit the hours of sales and the number of purchases per day.
7. Encourage or implement marijuana social host laws to prevent youth use in homes.
8. Ban Internet sales/delivery of marijuana and marijuana-infused products to avoid

additional access points for youth.

9. Increase funding for Liquor Control Board enforcement, and for prevention work at the state and community levels. Fund prevention/intervention specialists for every middle and high school.
10. Repeal the medical marijuana law, which is made redundant and unnecessary by Initiative 502. It also jeopardizes I-502 adolescent harm reduction measures. Consider access for non-smoked cannabinoids via pharmacies.
11. Greater industry-financed fund from marijuana profits to pay for health-related costs among adolescents, including an increased need for diversion programs and treatment, so that taxpayers won't have to pick up the tab.
12. A penalty fee on the marijuana industry for every underage user or new user.
13. Automatic repeal (or amendment) of marijuana legalization, or increased funding to prevention and treatment, if underage marijuana use exceeds certain levels.
14. Have the Food and Drug Administration control marijuana as they do tobacco.



TOGETHER! engages and mobilizes families, schools and the community to advance the health, safety and success of our youth. Our vision is for all young people in Thurston County communities to be supported, healthy, safe and valued.

To learn more, [visit us online](#) or call us at 360-493-2230.

[Forward email](#)



This email was sent to john.batiste@wsp.wa.gov by jcooper@thurstontogether.org
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TOGETHER! 418 Carpenter Rd SE Ste 203 Lacey WA 98503

FOOTNOTE 3



How much revenue could the cannabis tax generate, under different scenarios?

Jonathan P. Caulkins, BOTEC, Carnegie Mellon University (CMU)

Susan Andrzejewski, CMU

Linden Dahlkemper, CMU

**BOTEC Analysis Corp.
1-502 Project #430-8b
June 28, 2013
Final**



marijuana sold to retail stores of from under \$2 to over \$4.50 per gram (\$800 to \$2000 per pound).

Note: If over time it becomes apparent that the continuity-and-high-prices view is proving correct, then there are ways Washington State policy makers could intervene to help the I-502 industry win market share, either by lowering its costs or increasing arrest and prosecution of black market producers to drive up their cost structure.

This report considers the market system in pieces: prices & taxes, quantities, the interaction of price and quantity, and the dynamic trajectories over time. We describe below a range of scenarios concerning each piece, as well their integrated whole, identifying the major drivers of revenue and revenue uncertainty at each level.

FOOTNOTE 4

Mungia, Ingrid G

From: Garza, Rick J
Sent: Thursday, March 28, 2013 2:39 PM
To: Marr, Chris J
Cc: Kurose, Ruthann; Foster, Sharon; Kohler, Pat A; Simmons, Randy L; Henley, Mary E; Mungia, Ingrid G
Subject: Re: SB 5877 Discussion w/ Sen. Rivers

Thanks for the update. I think you make good points and I think it makes sense for us to provide a one to two page document regarding point #1. I'll speak with Randy regarding Botec and #2. And regarding point #3, I think we should reach out to DOH, with a little help from the Gov's Office, to see what authority they have to assist in providing more clarity and/or regulation to our medical marijuana market.

Also, just got off the phone with Rep. Hurst. Your point is well taken that it makes sense to keep us in the discussion regarding medical marijuana legislative changes and not necessarily putting up a wall that we'd prefer to not be the regulator.

I'd like to get together soon to understand the Board's position and strategy on this matter. Appreciate your assistance with Sen. Rivers.

Sent from my iPad

On Mar 28, 2013, at 10:47 AM, "Marr, Chris J" <CJM@liq.wa.gov> wrote:

As I indicated last night, I met with Sen. Rivers this morning, and had a rather lengthy and constructive discussion. I've known Ann for several years and consider her to be thoughtful, rational and willing to work her bills aggressively. Off the record, she also has some personal involvement with this issue, as her brother is an MM patient. She is very informed and clear about the need to bring MM under control, but is not one to demagogue all users and players in the med. Mar. marketplace. In short I think she has the ability to be the "adult in the room" as this regulatory discussion moves ahead. The fact that Senators Tom & Litzow are co-sponsors, indicates her ability to work her case with MCC leadership.

<http://washingtonstatewire.com/wacannabswire/senator-rivers-and-majority-leader-tom-sponsor-mmi-fix-sb-5877/>

A reading confirms the underlying bill is clearly coming from Ezra Fickmeyer. She is very realistic about the chances of the bill moving ahead. However, she is committed to being part of the ongoing discussion. I told her we had not vetted the bill inside the Board, but to expect you to express discomfort, because given the current state, we have no guarantee about what would emerge. I did tell her we had discussed internally the need to lay out what a prospective bill granting regulatory authority might look like, as well as the other legislative pieces that would need to move. I told her you would contact her and arrange for a one-on-one meeting next week. She is looking forward to it.

Afterward, I had a long talk with Kathy Buccilli. She agrees with my analysis that Sen. Rivers could be a good point person to advance this issue. As you know, Kathy gets the policy and politics around this issue as well as anyone. As far as next steps, here is an idea I ran by her that she agrees would be helpful. I mentioned some of this to you yesterday. Let's talk more about your thoughts on it.

As a starting point, I suggest the following next steps:

1. Staff prepares a one/two-pager on the current state of medical marijuana legislation, as well as an accompanying bullet point list of policy issues that would need to be addressed in prospective MM legislation. This would be accompanied by an explanation that it was being provided by request (Sen. Rivers would be willing to do this), and that the Board would proceed at the pleasure of the legislature. I would vet this with the Govs. Office with the understanding that the Gov. would be willing to section veto any conflicting legislation. This would prove "sideboards" to potential legislation that would provide policy staff some direction. I think we have to ask ourselves whether our well-communicated resistance to "going there" on MM legislation has pushed us out of the tent as bills are being developed. A more articulate approach to identifying concerns could be more constructive. The downside, of course, is criticism that the LCB is intruding into an area where it has no authority. An invitation to weigh in would provide cover.
2. Direct Botec to provide a short validating analysis as part of their deliverables (as early as possible) which confirms/refutes the assumptions and policy construct proposed by staff in #1. This would include a conclusion about what impact NOT addressing medical marijuana would have on out-year revenue assumptions. This would crystallize perceptions and get the attention of legislative leadership.
3. Determine what order could be brought to the medical marijuana market in the interim under existing DOH authority. Yesterday in our All-Agency confab, I asked the DOH folks (they were prevention, not regulatory folks, but said they would pass it on) to check what authority the agency had under rule to address well-publicized concerns about "authorization mills". Kathy thought they would already have it under existing law. This might include monthly/quarterly mandatory reporting to MQUAC of total authorizations issued by each provider (disaggregated from patient data to be HIPAA compliant). We know from reporting that abusing providers greatly fear scrutiny that could result in potential loss of licensure. This would also include mandatory DOH training for any provider issuing over a threshold number of authorizations (48-50 a year), to insure compliance with existing law. This is a small but effective step in the right direction. DOH has not been proactive before, but Sen. Rivers knows the new DOH Secretary well (he's from Clark County and she provided a recommendation). Along with direction from the Gov., we may be able to get them to be more involved in solution.

Thanks for Induiging.

Chris Marr
Board Member
<:mage001.png>
O: 360-661-1600 F: 360-586-3190
E-mail: cm@lcw.wa.gov

FOOTNOTE 5

Periodic review.

The health care professional shall periodically review the course of treatment, the patient's state of health, and any new information about the patient's terminal or debilitating condition. Periodic reviews shall take place at least annually.

(1) During the periodic review, the health care professional shall determine:

- (a) Patient's compliance with the treatment plan;
- (b) If pain, function, or quality of life have improved or diminished using objective evidence, considering any available information from family members or other caregivers; and
- (c) If continuation or modification of the patient's use of medical cannabis is warranted based on the health care professional's evaluation of progress towards treatment objectives.

(2) The health care professional shall assess the appropriateness of continued use of the current treatment plan if the patient's progress or compliance with current treatment plan is unsatisfactory. The health care professional shall consider changing or discontinuing treatment when:

- (a) Function or pain does not improve after a trial period;
- (b) There is evidence of significant adverse effects;
- (c) Other treatment modalities are indicated; or
- (d) There is evidence of misuse, addiction, or diversion of medical cannabis or any other substance.

(3) The health care professional shall review information from any available prescription monitoring program or emergency department-based information exchange.

From: ezra@olympen.com [mailto:ezra@olympen.com]
Sent: Tuesday, April 09, 2013 9:29 AM
To: Weeks, Kristi (DOH)
Subject: Additions to 5887?

Kristi,

I am working on an amendment for 5887 and wanted to check on whether you have additional recommendations for tightening the regulations properly. Feedback is needed ASAP. Thanks!

- Ezra,

Weeks, Kristi (DOH)

From: ezra@olyphen.com
Sent: Friday, April 26, 2013 10:55 AM
To: Weeks, Kristi (DOH)
Subject: RE: Additions to 5887?

FYI, I don't think we'll get anywhere until next year with the policy change on mmj statutes, but we did have an amendment ready to go in Ways n Means with a lot of your suggestions included. I appreciate your helping with the language. During the interim, I would like to sit down with you and discuss some new concepts I have for better integrating medical marijuana into existing standards of care. I think for next year's MMJ bill (that I have 90% certainty we'll get passed) we can do even better on the model than we did in this bill. I perceive that of all the players in the legislative arena, you and I probably know this part of medical marijuana the best and perhaps can create the best solutions and new laws to present to other stakeholders?

Thanks again for your help!

- Ezra, 360-301-1842

*lighten the
burden to
petition for
a new condition*

From: Weeks, Kristi (DOH) [mailto:Kristi.Weeks@DOH.WA.GOV]
Sent: Thursday, April 11, 2013 4:27 PM
To: ezra@olyphen.com
Subject: RE: Additions to 5887?

I can't provide any existing language that would be helpful. It's the standard of care based on a mishmash of federal and state rules and laws.

From: ezra@olyphen.com [mailto:ezra@olyphen.com]
Sent: Thursday, April 11, 2013 4:22 PM
To: Weeks, Kristi (DOH)
Subject: RE: Additions to 5887?

k. Is there language on how that is administered that we could use here? Is it abused at all? I would think that anything that works for opiates would work for cannabis. If not I think I'll just let this go. Thanks for your help.

On 04/11/2013 14:36, Weeks, Kristi (DOH) wrote:

I am not aware of any prohibition against issuing a prescription for controlled substance following a telehealth consultation as long as there is a valid patient/prescriber relationship.

FOOTNOTE 6

From: Kohl-Welles, Sen. Jeanne
Sent: Sunday, June 02, 2013 10:59 AM
To: Hill, Sen. Andy; Braun, Sen. John; Hargrove, Sen. Jim; Nelson, Sen. Sharon; Alexander, Rep. Gary; Wilcox, Rep. J.T.; Hunter, Rep. Ross; Sullivan, Rep. Pat; Hesselholt, Claire; Makowski, Yona; Barnes, Courtney; Moore, Ryan
Cc: Schumacher, David; Wickstrom, Karen; Peterson, Ruth; O'Neill, Shawn; Hummel, Elizabeth; Peters, Barb; Trask, Sharon; Pedersen, Marilyn; Roberts, Lesley
Subject: Budget Proviso Language
Importance: High

Dear Colleagues:

I am writing to address issues related to current budget proviso language on regulation of medical marijuana. Similar floor amendments were adopted for the House and Senate operating budgets.

Both provisos address the use of funds appropriated to the Liquor Control Board (LCB) from the liquor revolving account to implement I-502. The Senate version directs the LCB to develop recommendations regarding the interaction of medical marijuana regulations and I-502. The House version directs the LCB to develop legislation integrating the medical marijuana market with the recreational marijuana market. The House language is more direct in that it requires legislation and that the two markets be integrated. In theory, the Senate language could be satisfied with a report and the report could recommend separate regulatory guidelines for the medical and recreational markets.

Additionally, both budget provisos require the LCB to work with the Dept. of Health and the Dept. of Revenue in carrying out this task. Other aspects to be addressed include age limits, tax of medical marijuana, collective gardens and regulation of health care providers.

As you may know, I have been working on medical cannabis legislation since the mid-1990s, including bills to address some problematic issues with I-692, approved by the voters in 1998. While I have not been a patient or a recreational user, I witnessed firsthand as one of my closest and dearest friends as well as a sister-in-law experienced profound relief from their cancer suffering through the use of cannabis. I have advocated for patients since then by trying to create a workable, regulated system for the distribution of medical cannabis. In 2011, SB 5073 would have done just this, but it was unfortunately partially vetoed by Gov. Gregoire, mainly to remove the regulatory system for production, processing and distribution of marijuana for use by qualified medical patients. Many of you were here at the time and undoubtedly remember the attention and debate the bill received, and I worked with every possible stakeholder in that process.

While I introduced legislation this session, SB 5528, which mostly involved technical and clean-up changes, the bill did not get a vote by the Senate. I had made the decision to wait until the 2014 legislative session to introduce legislation to create a regulated system for medical cannabis until the LCB releases its rules for the recreational use system under I-502. I still believe this is the best approach and for that reason did not sign on as a sponsor to Sen. Rivers' legislation, SB 5887.

I also have concerns about the current budget riders regarding medical cannabis. While I initially thought the Senate floor amendment was satisfactory, although I hadn't known about it in advance, I now believe that even though the sponsors had good intentions, the proviso is unneeded and could have negative unanticipated consequences.

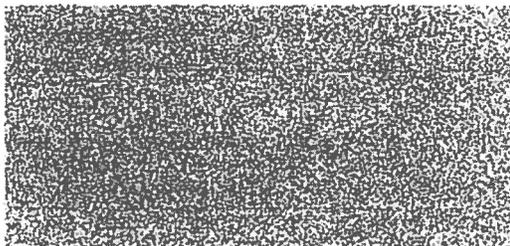
It has also resulted in a high level of concern on the part of many patient and other advocacy groups — including even outright opposition being expressed in rallies and demonstrations. I am concerned that we would be handing over too much of our responsibility to a regulatory agency. I also worry that too many conclusions would be drawn behind closed doors, and that the process for creating these rules would circumvent public input. In many ways, the LCB has a vested interest in diverting business from the medical collectives now operating and into the retail stores when they open early next year. It is easy to argue the LCB also has a vested interest in wanting to add to its regulatory scope, and bring the medical cannabis industry into its system. This may turn out to be the end result down the road, or it may be determined that another state agency should have that responsibility.

For these and other reasons, I think it best to have the LCB focus on its task at hand, that given to them by the voters in approving I-502 — an initiative that specifically mentions it will have no effect on medical cannabis laws. We can visit this next year and, by doing so, have the advantage of determining then whether the system developed for recreational users should be replicated. Let the LCB open the doors for recreational-use business first and then determine what problems, if any, need fixing between the two systems.

Finally, we need to see what reaction the federal government has to whatever rules and system the LCB creates and implements. We do not even know if the LCB will be able to implement the new system or if the federal government will stop it in its tracks.

Once we are able to evaluate more of the developments and information that the LCB will produce in its implementation of I-502, I will be meeting with stakeholders and other members during the interim about legislation for the 2014 session. The LCB has its hands full, and I do not think we should hand it one of our responsibilities.

Sincerely,



Senator Jeanne Kohl-Welles

*Ranking Member, Senate Higher Education Committee
36th Legislative District
Washington State Senate
(360) 786-7670 (206) 281-6854*

*E-Newsletter subscription: [click here](#)
Website: [click here](#)*

FOOTNOTE 7

The Agency, through FOB, was asked by the Liquor Control Board (LCB) to participate in the RFP process for Marijuana Cultivation and Processing Contracts. FOB sent the request to us, as we have been a active partner with LCB in their rule making. Initially, we did have some reservation regarding this request, however after learning more about it - we believe it is appropriate. Please see Lt. Brogan's email below. Let me know if you have any concerns. Thanks.

Steve

-----Original Message-----

From: Brogan, Mark (WSP)
Sent: Friday, March 01, 2013 4:37 PM
To: Sutton, Steve (WSP)
Subject: I-502

Captain,

I have been asked by the Liquor Control Board (LCB) to participate in the review of Request For Proposals (RFP) for marijuana cultivation and processing contracts.

The initial reservations I had of whether or not a conflict of interest existed were alleviated when I was advised by LCB that the WSP would be one of several state agencies represented on the review team which includes Department of Enterprise Services (DES), Department of Agriculture, Department of Licensing, and LCB. Also the process is being done with standard contract RFP scoring.

The entire review process of the 52 RFP's is being done electronically and confidentially. I will be assigned a rater ID number so my scoring will be included in the total only, no narratives. All public disclosure will be done through LCB and due to the confidentiality of scorers, will not impact participating agencies.

I believe this is a great opportunity for the WSP to have a voice in this process and believe based on my position, I am the best representative for the agency.

A good analogy of this process would be one of our Captains or Lieutenants sitting on another agencies promotional assessment center.

With your approval, I will begin this on March 4th and be completed by March 11.

Please let me know if you have any follow up questions.

Lieutenant Mark Brogan
Washington State Patrol
Investigative Assistance Division
(360)239-1987

From: Hattell, Curt (WSP)
To: Gundermann, Chris (WSP)
Subject: RE: I-502
Date: Monday, March 11, 2013 4:18:00 PM

Thanks

-----Original Message-----

From: Gundermann, Chris (WSP)
Sent: Monday, March 11, 2013 3:58 PM
To: Hattell, Curt (WSP)
Subject: RE: I-502

Yes Chief,

Assistant Chief Christopher T. Gundermann Washington State Patrol Investigative Services Bureau
(360) 704-2978

"Service with Humility"

-----Original Message-----

From: Hattell, Curt (WSP)
Sent: Monday, March 11, 2013 3:50 PM
To: Gundermann, Chris (WSP)
Subject: RE: I-502

Have you communicated our position to not be involved with this? Thanks

-----Original Message-----

From: Gundermann, Chris (WSP)
Sent: Monday, March 04, 2013 1:37 PM
To: Hattell, Curt (WSP)
Subject: FW: I-502

Deputy Chief ~

I think we should distance ourselves from this?

Assistant Chief Christopher T. Gundermann Washington State Patrol Investigative Services Bureau
(360) 704-2978

"Service with Humility"

-----Original Message-----

From: Sutton, Steve (WSP)
Sent: Monday, March 04, 2013 1:35 PM
To: Gundermann, Chris (WSP)
Subject: RE: I-502

Nothing.....They would then have to look for another agency to review the RFP's. They are looking for a balance of agencies to help.

-----Original Message-----

From: Gundermann, Chris (WSP)
Sent: Monday, March 04, 2013 1:34 PM
To: Sutton, Steve (WSP)
Subject: FW: I-502

What are the ramifications if we say - no?

Assistant Chief Christopher T. Gundermann Washington State Patrol Investigative Services Bureau
(360) 704-2978

"Service with Humility"

-----Original Message-----

From: Sutton, Steve (WSP)
Sent: Monday, March 04, 2013 1:08 PM
To: Gundermann, Chris (WSP)
Subject: FW: I-502

A/C Gundermann,

The Agency, through FOB, was asked by the Liquor Control Board (LCB) to participate in the RFP process for Marijuana Cultivation and Processing Contracts. FOB sent the request to us, as we have been a active partner with LCB in their rule making. Initially, we did have some reservation regarding this request, however after learning more about it - we believe it is appropriate. Please see Lt. Brogan's email below. Let me know if you have any concerns. Thanks.

Steve

-----Original Message-----

From: Brogan, Mark (WSP)
Sent: Friday, March 01, 2013 4:37 PM
To: Sutton, Steve (WSP)
Subject: I-502

Captain,

I have been asked by the Liquor Control Board (LCB) to participate in the review of Request For Proposals (RFP) for marijuana cultivation and processing contracts.

The initial reservations I had of whether or not a conflict of interest existed were alleviated when I was advised by LCB that the WSP would be one of several state agencies represented on the review team which includes Department of Enterprise Services (DES), Department of Agriculture, Department of Licensing, and LCB. Also the process is being done with standard contract RFP scoring.

The entire review process of the 52 RFP's is being done electronically and confidentially. I will be assigned a rater ID number so my scoring will be included in the total only, no narratives. All public disclosure will be done through LCB and due to the confidentiality of scorers, will not impact participating agencies.

I believe this is a great opportunity for the WSP to have a voice in this process and believe based on my position, I am the best representative for the agency.

A good analogy of this process would be one of our Captains or Lieutenants sitting on another agencies promotional assessment center.

From: Drake, Randy (WSP)
To: Batiste, John (WSP)
Cc: Hattell, Curt (WSP); Lever, Jim (WSP)
Subject: Re: Opportunity for You to Shape Marijuana Policy
Date: Friday, January 18, 2013 10:36:25 PM

Will do!

From: Batiste, John (WSP)
Sent: Friday, January 18, 2013 10:34 PM
To: Drake, Randy (WSP)
Cc: Hattell, Curt (WSP); Lever, Jim (WSP)
Subject: Fw: Opportunity for You to Shape Marijuana Policy

Randy, please assign someone to be our agency's representative to help the LCB shape their marijuana policy on I-502.

Chief John Batiste
Washington State Patrol
Agency Motto:
"Service With Humility"

From: Jim Cooper at TOGETHER! [mailto:jcooper@thurstontgether.org]
Sent: Thursday, January 17, 2013 02:50 PM
To: Batiste, John (WSP)
Subject: Opportunity for You to Shape Marijuana Policy

Having trouble viewing this email? [Click here](#)

Hi, just a reminder that you're receiving this email because you have expressed an interest in TOGETHER!. Don't forget to add jcooper@thurstontgether.org to your address book so we'll be sure to land in your inbox!

You may [unsubscribe](#) if you no longer wish to receive our emails.



Jim's desk header graphic



You Can Help Shape State Policies

Dear John,

As you may know, the Washington State Liquor Control Board will be the agency in charge of implementing the new marijuana laws in our state. We're treading new ground here and a lot of policies have to be created. And you can be a part of the rulemaking process! There are many ways to do this.

- First, you can **attend an LCB public forum**. One is scheduled for this Tuesday, Jan.

FOOTNOTE 8

Potential State & Local Tax Treatment of Marijuana (9-27-2013)

Potential Taxation of Marijuana

	<i>I-502 Marijuana</i>	<i>Non-I-502 Marijuana</i>
Producers	Pay 25% on wholesale sales (LCB)	n/a
	Pay B&O tax as wholesaler (DOR - unless exempt as agriculture)	Same (unless exempt as agriculture)
Processors	Pay 25% on wholesale sales (LCB)	n/a
	Pay B&O tax as manufacturer (DOR)	Same
Retailers	Pay 25% on retail sales (LCB)	n/a
	Pay B&O tax as retailer (DOR)	Same
	Collect state/local retail sales & use tax (DOR)	Same
Retail Buyers	Pay state/local retail sales & use tax (DOR)	Same. <i>Note: Prescription drugs are currently exempt from sales tax. Whether bona fide medical marijuana patients should be exempt from sales tax on their marijuana purchases remains an open question.</i>

DOR's Preferred Role

It appears likely that medical marijuana will be wholly or partially integrated into the I-502 system for regulation and taxation of recreational marijuana administered by LCB.

However, if medical marijuana is not integrated into I-502's regulatory and tax structure, DOR's preference would be for:

- a regulatory structure mirroring I-502's be enacted giving medical marijuana licensing and regulatory enforcement responsibilities to LCB, and
- DOR's responsibilities to be limited to tax collection and enforcement with respect to medical marijuana.

Marijuana as Agriculture

Farmers and the farming industry in Washington are arguably subject to more favorable tax treatment than other industries. A number of tax preferences apply to farmers and agricultural products generally.

If marijuana meets the legal definition of an agricultural product*, many

marijuana producers and processors may be eligible for the same tax treatment other agricultural activities benefit from. These preferences would potentially apply to both recreational and medical marijuana.

*The state Department of Agriculture's (WSDA) current position is that recreational and medical marijuana (including cannabis and hemp) do not qualify as agricultural products, crops, or commodities, or as food or food ingredients in Washington. Their reasoning appears to be that:
- The agency's authorizing statutes were enacted before legalization of marijuana was contemplated
- Existing laws would need to be amended to extend them to marijuana.

**DOR
Definitions**

While the legislative intent behind these tax preferences never likely contemplated their application to marijuana, the business and occupation tax includes broadly worded definitions applicable to agriculture in RCW 82.04.213:

- An agricultural product as "any product of plant cultivation..." *DOR initially concluded that marijuana may fit within this definition. Discussions with WSDA are anticipated before a final conclusion is reached.*
- "Farmer" as any person engaged in the business of growing, raising, or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product to be sold. *DOR initially concluded that marijuana producers may fit within this definition. Discussions with WSDA are anticipated before a final conclusion is reached.*

**Potential Tax
Preferences**

If marijuana meets the legal definition of an agricultural product, these preferences would potentially apply to both recreational and medical marijuana:

B&O Exemption

- Wholesale sales by producers of agricultural products are exempt from B&O tax under RCW 82.04.330.

Sales Tax Exemptions

- Seed, seedlings, chemical sprays/washes, and fertilizer, and tangible personal property held for resale, are excluded from the definition of retail sale under RCW 82.04.050(1) and (11).
- Marijuana producers may also be eligible for the farmers' machinery and equipment (M&E) exemption from retail sales and use tax for repair and replacement parts. RCW 82.08.855.
- Marijuana processors engaged in certain manufacturing, processing, or research and development activities may be eligible for an exemption from retail sales and use tax on purchases of machinery and equipment. RCW 82.08.02565.

Property Tax

- Land devoted primarily to the production of agricultural commodities for commercial purposes, and meeting certain other requirements, may qualify for a reduced "current use" valuation as farm and agricultural land under RCW 84.34.020(2).
 - Under RCW 84.34.020(2)(c), owners of land under five acres used for in-ground agricultural production with annual gross income of fifteen hundred dollars or more for three of the preceding five calendar years could qualify for current use valuation.
 - Growing crops are excluded from the value of agricultural land. RCW 84.40.030(3).
 - Farm machinery and equipment are subject to the personal property tax under the state levy only. RCW 84.36.630.
-

Benefits of Medical Authorization of Medical Marijuana Compared to Recreational Use

Goal 1: De-incentivize medical marijuana to ensure recreational users are appropriately funneled into the IS02 model rather than the medical market.

Goal 2: Create a properly regulated medical market to ensure patients have access to an adequate, safe, consistent and secure source of mmj.

Issue 1: MMJ patients are allowed to possess 24 ounces as a 60 day supply.

Strategy: Reduce possession amounts. The 60 day supply was enacted due to the lack of an "adequate, safe, consistent, and secure" source of mmj (SB 6032 (2007)). See DOH's 2008 legislatively mandated report on patient access at:

<http://www.doh.wa.gov/portals/1/Documents/2000/PatientAccess.pdf>.

Implementation of the retail market and regulation of mmj sales will result in this no longer being an issue.

Issue 2: Mmj patients have an affirmative defense of medical necessity for possession above the legal limit.

Strategy: Eliminate this defense based on creation of an adequate, safe, consistent and secure source of mmj.

Issue 3: Mmj patients are allowed to grow their own (up to 15 plants).

Strategy: Eliminate or reduce home grows. This was enacted as part of the 60 day supply which is no longer a critical issue.

Issue 4: There are no age restrictions for mmj.

Strategy: Place restrictions on mmj for minors such as parental permission, more frequent follow-up and coordination with primary care provider, and possession by the minor of more than a single dose (to prevent sharing). Eliminating use for minors would align better with federal goals but would likely not be successful.

Issue 5: Provision for collective gardens is a gateway to illicit sales.

Strategy: Eliminate collective gardens. Again, this was enacted due to the lack of an adequate, safe, consistent and secure source of mmj. This is no longer an issue. If collective gardens are retained, language is needed to ensure they are conducted as intended.

Issue 6: No clear requirements for taxation exist. Some dispensaries collect sales tax, others do not.

Strategy: Regulate sales in a system parallel to recreational sales with required, but reduced, taxation.

Issue 7: Mmj patients are afforded some protection if found in possession in another state that recognizes mmj.

Strategy: None. Washington cannot control actions of other states.

Issue 8: It is very easy to get an mmj recommendation from a health care provider.

Strategy: Require a higher level of proof of the qualifying condition and more stringent standards of care and follow-up. Could include: Defining debilitating condition and intractable pain (to mean more than mere chronic pain); increase the restrictions on a provider's practice; provide stricter penalties for violations by providers; require a stable location rather than hotel rooms and fest tents; require a time limit on authorizations; require thorough and regular follow up care similar to the rules for treating patients with opioids; eliminate the ability to petition for new conditions to be added.

Issue 9: Mmj patients have additional protections under the law related to suitability for organ transplants and parental rights and visitation.

Strategy: Eliminating these provisions would likely be met with great resistance.

Issue 10: Patients want access to special strains of mmj that might not be available in a regulated market.

Strategy: The regulated market will respond to consumer demands.

Additional Considerations:

- Would limitations on possession, and elimination of home grows and collective gardens reduce robberies and other crimes?
- Is a separate medical marijuana system still necessary after the implementation of 1502?
- Should the idea of a registry be resurrected? Two reasons: immediate identification of valid patients and record of providers who make recommendations. If yes, should it be mandatory or voluntary? A patient who declines a mandatory registry could still choose to access marijuana through the retail market.

Contact: Ezra Eckmeyer, 360-301-1842, ezra@olympen.com

Job Room 62
2:00pm

Effects of our proposed medical cannabis legislation

Quick overview of problems with medical cannabis

Under current law, there is no regulation or taxation of medical cannabis operators and the medical cannabis authorization process needs tightening, as practically anyone can obtain an authorization over the internet. This is bad for legitimate patients and it is bad for state tax revenue. If medical marijuana patients can save money by going to medical cannabis access points that are un-regulated or taxed, and it is too easy for someone without real medical need to obtain an authorization, 502 shops will receive less customers which will cost Washington State significant revenues that had been projected in the fiscal note for the initiative.

The goal of this language is to add industry taxes to medical cannabis so that the state receives some revenues from sales, to license and regulate the industry and tighten requirements for becoming a medical cannabis patient all while also helping to secure access to safe, tested medicine regulated by the state for legitimate patients. It is a win for all on public policy while also contributing significant tax revenues to assist with education or other programs as the Legislature sees fit.

We anticipate (with much difficulty finding solid numbers upon which to base assumptions) that this bill would provide between \$10 million and \$50 million directly in new annual tax revenues, while also stopping recreational users from using medical dispensaries by funneling them back to I-501 shops where they pay higher taxes and provide more revenue.

Main points in bill:

- 30% producer excise tax on medical cannabis industry
- Creates definition and regulations for medical cannabis producers, processors and retailers
 - Allows for vertical integration, mechanism in place to still collect equitable excise taxes to operators who are vertically integrated
 - Rule-making, implementation and enforcement under Liquor Control Board
 - No cannabis visible from street for retailers
 - Must be 1000 ft from schools
 - No cannabis images on buildings, low profile in communities
 - Local jurisdiction may adjust zoning
 - Requires testing of cannabis
 - increased penalties for selling to an under-age person who is not a qualified patient
 - Advertising restrictions on content
 - Licensing fees to cover cost of program for Liquor Control Board
- Tightens rules on medical cannabis authorizations
 - Under 18 must have parent involvement and authorization can only last 3 months so that doctors and parents can monitor for addiction or over-use
 - Doctor visits must be in-person, not over computer
 - Clinics may not exist solely for medical cannabis authorizations, doctors must provide other non-retail medical services as well
- No sales tax, all new taxes are applied to wholesale transactions within the industry.

FOOTNOTE 9

HeraldNet Everett, Washington

Published: Thursday, August 29, 2013, 4:52 p.m.

Prosecutor: State's medical pot system 'not tenable'

By Gene Johnson And Rachel La Corte, Associated Press

SEATTLE -- Washington's medical marijuana system is "not tenable" in light of new guidance from the U.S. Justice Department about its pot-related enforcement priorities, the chief federal prosecutors in the state said Thursday.

The warning came after the agency said it will allow the states of Washington and Colorado to move forward with plans to tax and regulate recreational marijuana sales.

In written statements, U.S. Attorney Jenny Durkan in Seattle and U.S. Attorney Michael Ormsby in Spokane promised the feds won't hesitate to go after people operating outside the legal framework set up by Washington voters last fall.

The state legalized medical use of marijuana in 1998 but never offered many options for how patients are supposed to obtain the pot. They can grow it themselves or allow someone to grow it for them, but medical marijuana dispensaries are not allowed under state law.

Nevertheless, such dispensaries have proliferated – with no oversight by state government or controls on where the marijuana comes from or where it goes. Federal authorities have raided some they deem to be fronts for criminal activity.

"The continued operation and proliferation of unregulated, for-profit entities outside of the state's regulatory and licensing scheme is not tenable and violates both state and federal law," the nearly identical statements from the prosecutors said. "While our resources are limited, we will continue to enforce federal law in this arena."

Washington and Colorado last fall became the first states in the country to legalize the possession of marijuana by adults over 21. The votes also called for systems of state-licensed pot growers, processors and retail stores – prompting much hand-wringing about whether the federal government would sue to block the schemes from taking effect, on the grounds they conflicted with the federal ban on marijuana.

But Thursday, the Justice Department gave states the green light to license and tax pot sales -- as long as the states ensure that certain federal priorities, such as keeping marijuana away from kids and the black market, aren't jeopardized.

"The department guidance is premised on the expectation that the state will implement strong and effective regulatory and enforcement systems," Durkan said.

The announcement was good news for the activists and officials who have been working on the state's recreational pot law. Gov. Jay Inslee and Attorney General Bob Ferguson called it an endorsement of the careful approach Washington has taken toward legalization.

Alison Holcomb, the Seattle lawyer who drafted Washington's law, said it had been difficult to fully implement the measure in the face of the DOJ's reticence since the votes last fall. People had expressed concerns that applying for licenses would possibly open them to federal prosecution, and some cities were reluctant to zone for businesses that are illegal under federal law.

Inslee said his administration has already been having discussions about how to bring Washington's medical marijuana providers and patients into a regulated system.

Philip Dawdy, a spokesman for the Washington Cannabis Association, said the DOJ's guidelines put pressure on the Legislature to regulate the medical side of the industry quickly.

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**United States Attorney Jenny A. Durkan
Western District of Washington**

**Statement of U.S. Attorney Jenny A. Durkan on federal marijuana
enforcement policy announcement**

FOR IMMEDIATE RELEASE

August 29, 2013

Today, the U.S. Department of Justice announced an update to its federal marijuana enforcement policy in light of recent state ballot initiatives that legalize, under state law, the possession of small amounts of marijuana by adults and provide for the state regulation of marijuana production, processing and sale. The Department also issued a memorandum to all U.S. Attorneys that makes clear that the Department will continue to enforce the Controlled Substances Act and details the federal interests that guide federal enforcement relating to marijuana. Based on assurances that Washington and Colorado will impose an appropriately strict regulatory system, the Department has informed the governors of both states that it is deferring its right to challenge their legalization laws at this time.

The following is a statement from Jenny A. Durkan, U.S. Attorney for the Western District of Washington:

We have consistently focused on federal enforcement priorities in Western Washington, and have worked with our state and local partners to ensure the safety of our communities. That will not change. We will continue to enforce the Controlled Substances Act. We will continue an aggressive focus on the promotion and sale of drugs to minors, violence and the use of firearms, and the trafficking of marijuana across state or international lines. We will continue our work against organized criminal organizations and their underground economy, and against those who would use drug proceeds to fund other criminal activity.

The Department guidance is premised on the expectation that the state will implement strong and effective regulatory and enforcement systems. This also is

what Washington voters were promised and we expect no less today. I look forward to meeting with state leaders to hear how the promises of enhanced public safety will be met.

The continued operation and proliferation of unregulated, for-profit entities outside of the state's regulatory and licensing scheme is not tenable and violates both state and federal law. While our resources are limited, we will continue to enforce federal law in this arena by focusing on the critical public and federal interests outlined in the Department memo today.

This is an important moment for Washington, and I remain committed to working with law enforcement partners to focus on our priorities and address threats to public safety.

...

The Department's announcement and a link to the guidance memorandum can be found here: <http://www.justice.gov/opa/pr/2013/August/13-opa-974.html>.

Feds Won't Challenge State's Marijuana Law; Medical Marijuana Finds Itself in Crosshairs

By Daniel Person Thu Apr 25 2013 at 11:07AM

The U.S. Department of Justice announced today that it would not challenge Washington's marijuana policy.

Inslee take a call from the DOJ/Governor's Office

Here's the language of the press release:

For states such as Colorado and Washington that have enacted laws to authorize the production, distribution and possession of marijuana, the Department expects these states to establish strict regulatory schemes that protect the eight federal interests identified in the Department's guidance. These schemes must be tough in practice, not just on paper, and include strong, state-based enforcement efforts, backed by adequate funding. Based on assurances that those states will impose an appropriately strict regulatory system, the Department has informed the governors of both states that it is deferring its right to challenge their legalization laws at this time. But if any of the stated harms do materialize—either despite a strict regulatory scheme or because of the lack of one—federal prosecutors will act aggressively to bring individual prosecutions focused on federal enforcement priorities and the Department may challenge the regulatory scheme themselves in these states.

At least one marijuana advocate says he's a little wary of the announcement, given the fact that the DOJ made similar statements about medical marijuana laws and then proceeded to bust mmj operations across the country.

"In all, today's announcement represents a step in a right direction and a recognition by the administration that the politics of marijuana are rapidly shifting in favor of those who support legalization," said Tom Angell, the Washington-D.C. based chairman of Marijuana Majority. "However, my optimism is tempered by the fact that despite the Justice Department's 2009 announcement that it shouldn't be a priority to bust medical marijuana providers operating in accordance with state law, this administration went on to close down more state-legal marijuana businesses in one term than the Bush administration did in two terms."

On the point of medical marijuana, several officials said after the DOJ announcement that medical marijuana businesses will need to be heavily reformed, as they currently do not operate under the regulations laid out by the voter initiative.

Jenny A. Durkan, U.S. Attorney for the Western District of Washington, called Washington's medical marijuana industry untenable.

"The continued operation and proliferation of unregulated, for-profit entities outside of the state's regulatory and licensing scheme is not tenable and violates both state and federal law. While our resources are limited, we will continue to enforce federal law in this arena by focusing on the critical public and federal interests outlined in the Department memo today."

Jay Inslee also said that reform is necessary for medical marijuana.

"We believe there are serious changes that need to be brought to bear in terms of medical marijuana," he said during a press conference.

Mayor Mike McGinn and Interim Police Chief Jim Pugel both applauded the announcement, saying that it respects the will of Washington voters and brings clarity to federal drug policy.

"Washington voters overwhelmingly approved the legalization of marijuana last year, a policy that I fully support," McGinn said in a statement. **"Since then, we have wondered what the course of action would be for federal officials, for whom marijuana remains an illegal substance. Today, I applaud US Attorney-General Holder's announcement that he will not interfere with the will of Washington voters. Seattle public safety officials, residents and entrepreneurs can now proceed with confidence that the will of the voters has prevailed in Washington."**

"I am pleased that Attorney-General Holder has provided clarity about the future of I-502 in Washington State," said Pugel. **"Our department will continue our mission of public safety, harm reduction, and public education encouraging safe and lawful behavior with regards to the guidelines for marijuana established by Washington voters."**

FOOTNOTE 10

From: Smith, Brian E
To: BradF@DOR.WA.GOV; Batiste, John (WSP); DNewhouse@agr.wa.gov; Scott.Jarvis@dfi.wa.gov; VikkiS@DOR.WA.GOV
Cc: John.lane@gov.wa.gov; Kohler, Pat A; Garza, Rick J; Smith, Brian E
Subject: Conference Call Follow Up
Date: Thursday, January 24, 2013 2:51:55 PM

All,

Based on what I heard John say he is looking for, the Liquor Control Board will take the lead in coordinating a memo to AG Holder from Gov. Inslee. The gist is that Washington will work to ensure that Washington system of regulation is comprehensive. State agencies will work together to create a tight regulatory system.

Please send me...

- Any agency contacts that we should communicate with;
- Any appropriate information that you've already prepared on this topic;
- If you plan to draft a paragraph or two, please let me know that you're doing that and when I can expect it.

Prior to delivering a draft to John, I'll be running a draft between the affected agencies (probably DOR, AG, WSP and LCB) to ensure we agree on the content.

Thanks for all your cooperation to date and in advance.

Brian E. Smith
Communications Director
Washington State Liquor Control Board
360-664-1774

FOOTNOTE 11

Medical marijuana bill in trouble

By JORDAN SCHRADER

Staff reports March 11, 2014

Proposed regulations on medical marijuana are stalled because of a debate over what to do with the tax revenue from recreational marijuana.

The state Senate on Saturday approved a bipartisan-backed merger of the medical and recreational systems that would shut down unregulated medical dispensaries and replace them with state-licensed stores.

But House Republicans are balking unless lawmakers give cities and counties a share of the tens of millions of dollars expected to flow to the state from Initiative 502.

While they are in the minority in the House, Republicans have leverage. Two-thirds supermajorities are needed to pass the bill because it amends I-502.

A 10 percent cut of I-502 proceeds would be enough to convince cities and counties to drop their bans and accept marijuana businesses, said Rep. Cary Condotta, R-East Wenatchee.

"We've got to get this system geographically rolled out across the state in order to be effective," Condotta said. "If you only have one part of the state participating, the other side is not going to come over and buy. They're going to buy from their existing sources."

But a key House Democrat said it doesn't make sense to give local governments an arbitrary share of tax revenue with no proof they will have more costs because of legalization.

"The argument for the initiative was that it's going to lower public safety costs, and now they're saying it's going to increase public safety costs with absolutely no data. (It's) troubling," said House Finance Committee Chairman Reuven Carlyle, D-Seattle.

Negotiations continue. The dustup makes the prospects for the bill "precarious," Carlyle said. "It could go either way."

Carlyle said waiting a year is an option but he wants to pass the Senate bill, which was largely worked out with House members ahead of time. If the Legislature doesn't pass some regulations, its risks running afoul of the federal government and leaving in place competitors to the new recreational system.

Democrats are looking at ways they might pass a bill that doesn't change I-502 and require a two-thirds vote, Carlyle said.

Medical-marijuana advocates are not exactly clamoring to have a bill. Pot-industry lobbyist Ezra Eickmeyer said the growers and sellers he represents are divided because the Senate-endorsed measure doesn't exempt medical sales from a 25 percent excise tax on retail sales. Many other advocates dislike the whole idea of merging medical with recreational sales.

Read more here: http://www.thenewstribune.com/2014/03/11/3091328_medical-marijuana-bill-in-trouble.html?rh=1#storylink=cpy

FOOTNOTE 12

<http://www.newapproachwa.org/about>

About

New Approach Washington is a coalition of Washington citizens who believe that treating marijuana use as a crime has failed, and that it is time for a new approach. We include doctors, lawyers, treatment and prevention experts, business people, and parents. **We are united in the belief that Washington should stop wasting law enforcement resources on adults who use marijuana, and instead create a tightly regulated system that takes money away from criminal organizations and generates tax revenue for our state and local governments.**

To achieve this goal, we consulted with policy experts, community stakeholders, and leaders within the Washington state legislature, executive agencies, and judiciary to craft a detailed proposal for taking a step in a new direction. In plain language, here is what Initiative 502 will do:

This law legalizes the possession of marijuana for adults age 21 and older. The only marijuana that would be legal to sell in this state would be grown by specially-licensed Washington farmers and sold in standalone, marijuana-only stores operated by private Washington businesses licensed and regulated by the state. There would be a 25% sales tax, with 40% of the new revenues going to the state general fund and local budgets, and the remainder dedicated to substance-abuse prevention, research, education and health care. Advertising would be restricted. A new marijuana DUI standard that operates like the alcohol DUI standard would be established.

Here's how Initiative 502 will be described on your November 6 general election ballot:

This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.

And here's the summary we were required to print on signature petitions to put Initiative 502 on this year's ballot:

This measure would remove state-law prohibitions against producing, processing, and selling marijuana, subject to licensing and regulation by the liquor control board; allow limited possession of marijuana by persons aged twenty-one and over; and impose 25% excise taxes on wholesale and retail sales of marijuana, earmarking revenue for purposes that include substance-abuse prevention, research, education, and healthcare. Laws prohibiting driving under the influence would be amended to include maximum thresholds for THC blood concentration.

Sponsors

Officers & Staff

Initiative Measure No. 502

filed July 8, 2011

AN ACT Relating to marijuana; amending RCW 69.50.101, 69.50.401, 69.50.4013, 69.50.412, 69.50.4121, 69.50.500, 46.20.308, 46.61.502, 46.61.504, 46.61.50571, and 46.61.506; reenacting and amending RCW 69.50.505, 46.20.3101, and 46.61.503; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

PART I

INTENT

NEW SECTION. **Sec. 1.** The people intend to stop treating adult marijuana use as a crime and try a new approach that:

(1) Allows law enforcement resources to be focused on violent and property crimes; ~~★~~

(2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and

(3) Takes marijuana out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol.

This measure authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older, and add a new threshold for driving under the influence of marijuana.

PART II

DEFINITIONS

FOOTNOTE 13

About the Initiative

In plain language, here is what Initiative 502 will do:

21⁺
years of age

privately owned
and operated
Washington
businesses

protections for
safety and
public health

protects
our
youth

- I-502 legalizes the possession of marijuana for adults age 21 and older.
- Selling marijuana to minors will remain a felony.
- Washington farmers and businesses will be allowed to apply for special licenses to grow and sell marijuana.
- Marijuana will only be available in stores that sell no other products, are located at least 1,000 feet from schools, playgrounds, and parks, and do not display marijuana in a way that is visible to the public.
- State employees will not be involved in growing, distributing, or selling marijuana.
- State agencies will regulate numbers of stores per county, operating hours, security, quality control, labeling, and other health and safety issues.
- I-502 tightly restricts advertising and bans advertising in places frequented by youth.
- New tax revenue is dedicated to proven community and school-based prevention programs.

regulates
where marijuana
may be used or
grown

- Prohibits public use and display of marijuana.
- Does not allow home growing for people who are not medical marijuana patients.

\$582 million
in new revenue
generated
every year

- According to the state Office of Financial Management, a new 25% marijuana excise tax, combined with retail sales and B&O tax, will generate more than half a billion dollars in new revenue each year.
- 40% of the new revenues will go to the state general fund and local budgets.
- 60% will be dedicated to substance-abuse prevention, research, education and health care.

keeps our
roads
safe

- A new marijuana DUI standard that operates like the alcohol DUI standard will be established.
- I-502 sets a science-based limit of 5ng/ml active THC blood concentration.

DUI test checks
active THC
only

- DUI standard applies only to active THC, which drops below 5 ng/mL within a matter of hours, not the inactive metabolite carboxy-THC that can be detected days, or even weeks, after last use.
- Police officers still need proof of impairment to make an arrest and take a driver to a medical professional for a blood draw – just like current law.

helps
medical
marijuana
patients

- **I-502 does not change Washington's medical marijuana law – patients still may grow their own marijuana.**
- Patients will finally receive protection from arrest because possession will no longer be a crime for anyone 21 or older.
- Patients will finally receive access to safe, secure,

reliable, and quality-controlled marijuana that has been grown locally.

Here's how Initiative 502 will be described on your November 6 general election ballot:

This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.

And here's the summary we were required to print on signature petitions to put Initiative 502 on this year's ballot:

This measure would remove state-law prohibitions against producing, processing, and selling marijuana, subject to licensing and regulation by the liquor control board; allow limited possession of marijuana by persons aged twenty-one and over; and impose 25% excise taxes on wholesale and retail sales of marijuana, earmarking revenue for purposes that include substance-abuse prevention, research, education, and healthcare. Laws prohibiting driving under the influence would be amended to include maximum thresholds for THC blood concentration.

[Download the complete text of the initiative.](#)

FOOTNOTE 14

Stocker, Marlie

From: Trotter, Samantha E.
Sent: Thursday, November 15, 2012 12:16 PM
To: Simmons, Randy L
Cc: Hacker, Gary A; Foster, Sharon; Kurose, Ruthann; 'Ruthann Kurose'; Marr, Chris J
Subject: FW: 502 Meetings

Hi Randy –

Per discussions at EMT yesterday, I wanted to give you heads up that, while Sharon is the Board rep for 502, Chris and Ruthann may also sit in on the weekly 502 meetings from time to time. Since the meeting is scheduled during their normal caucus time, we don't need to worry about updating the public meeting schedule if more than one Board person is present.

Thanks!

Samantha Trotter

Confidential Secretary



P: 360-664-1717 F: 360-586-3190
E-mail: st@lc.wa.gov MS: 43076

From: Munez Carter, Frances R
Sent: Wednesday, November 14, 2012 9:27 AM
To: Kohler, Pat A; Trotter, Samantha E.
Subject: FW: 502 Meetings

Meant to cc you both.

From: Munez Carter, Frances R
Sent: Wednesday, November 14, 2012 9:27 AM
To: Foster, Sharon; Kurose, Ruthann; Marr, Chris J
Subject: 502 Meetings

FYI...on various 502 meetings scheduled or to be scheduled:

502 Weekly Meetings

Every Tuesday, 11 – 12, Conference Room 201

502 Weekly Meeting w/Gov's Office

- First one scheduled for Thursday, November 15, 3:30-4:30, others to be scheduled
- Marty L., Chief Batiste (WSP), Pat (LCB)

502 RFP Brainstorm Session

November 27, 9-10, Conference Room 201

502 Interagency Meeting

- November 27, 10-11, Conference Room 201
- WSP, DOH, Agriculture, LCB

From: Dixon, Tom A [TAD@LIQ.WA.GOV]
Sent: Thursday, February 14, 2013 3:53:55 PM
To: Trotter, Samantha E.
Subject: RE: Mt Vernon 502 Forum - Daytime Meetings 2.19.13.docx

Only if they pay me extra J

Yep. It'll get done. Thanks.

From: Trotter, Samantha E.
Sent: Thursday, February 14, 2013 3:53 PM
To: Dixon, Tom A
Subject: RE: Mt Vernon 502 Forum - Daytime Meetings 2.19.13.docx

Thanks Tom! I have a favor to ask of you – could you please capture any pertinent action items or notes from the meeting? I'm not traveling with the Board and have to type up minutes for their approval any time they have a meeting with two or more of them present. 

I appreciate the help!!!

Samantha Trotter

Confidential Secretary

WSLCB Logo.gif

P: 360-664-1717 F: 360-586-3190

E-mail: {HYPERLINK "mailto:kib@liq.wa.gov"} MS: 43076

From: Dixon, Tom A
Sent: Thursday, February 14, 2013 1:40 PM
To: Trotter, Samantha E.; Foster, Sharon; Kurose, Ruthann; Marr, Chris J; Kohler, Pat A; Garza, Rick J; Smith, Brian E; Rathbun, Alan E; Woods, Patrick; Nordhorn, Justin T; Simmons, Randy L; Doughty, Cindy J; Johnson, Steven D; 'Ruthann Kurose'
Cc: Davison, Jodi R; McGaughy, Cheryl L.; Dan, Simore (PK); Taylor, Monika E

13-2-01603-3 LCB

00000684

ATG MI LAL Cases New

From: Marr, Chris J
Sent: Tuesday, February 26, 2013 9:07 AM
To: Smith, Brian E
Cc: Foster, Sharon; Kohler, Pat A; Garza, Rick J; Marr, Chris J; Kurose, Ruthann; Trotter, Samantha E.
Subject: Re: Liquor Control Board Request for Editorial Board Visit

I'm sure Sharon will want to attend.

Chris Marr
1801 West Bay Dr. #304
Olympia, WA 98502
(509) 993-3545

Sent from my iPad

On Feb 26, 2013, at 8:59 AM, "Smith, Brian E" <BESMI@LIQ.WA.GOV> wrote:

Looks like we're booked with the Yakima Herald on Friday morning at 900 a.m. Please mark your calendars. Thanks.

Brian E. Smith
Communications Director
Washington State Liquor Control Board
360-664-1774

From: Frank Purdy [<mailto:fpurdy@yakimaherald.com>]
Sent: Tuesday, February 26, 2013 8:53 AM
To: Smith, Brian E
Subject: RE: Liquor Control Board Request for Editorial Board Visit

Brian:
We seem to have herded our editorial board cats into a meeting at 9 a.m. Friday, March 1. I hope that still works for you and members of the Liquor Control Board.
--Frank Purdy

From: Smith, Brian E [<mailto:BESMI@lq.wa.gov>]
Sent: Friday, February 22, 2013 11:55 AM
To: Frank Purdy
Subject: RE: Liquor Control Board Request for Editorial Board Visit

Thanks Frank. Look forward to hearing from you.

From: Frank Purdy [<mailto:fpurdy@yakimaherald.com>]
Sent: Friday, February 22, 2013 11:37 AM

To: Smith, Brian E
Subject: RE: Liquor Control Board Request for Editorial Board Visit

Brian:

I have forwarded your message to the rest of the editorial board. Publisher Sharon Prill is out of town, returning Monday, and editor Bob Crlder is at a doctor's appointment. We will try to get back to you as soon as possible.

--Frank Purdy

From: Smith, Brian E [<mailto:BESMI@liq.wa.gov>]
Sent: Friday, February 22, 2013 11:27 AM
To: Frank Purdy
Subject: Liquor Control Board Request for Editorial Board Visit

Mr. Purdy,

My name is Brian Smith. I am the Communications Director with the Liquor Control Board. I just left you a voice message.

The Board will be in Yakima on February 28th for a public forum on the implementation of I-502. Each forum has typically drawn several hundred people to listen and provide input to the Board as it develops the rules that will govern Washington's system of legal marijuana.

In each of the six previous communities we've visited, the Board has met with community groups, law enforcement, city officials and others to discuss their concerns and to share how the Liquor Control Board is progressing on implementation. Board Chair Sharon Foster together with our agency director and deputy director has met with seven editorial boards in the communities we've visited. We request time with you and your board as well.

Is the Yakima-Herald Republic Editorial Board interested in meeting for 45-60 minutes with us? Present would be Board Chair Sharon Foster, Agency Director Pat Kohler, and Deputy Director (and Grandview native) Rick Garza. We are free on Feb. 28 between 3:00 and 5:00 p.m. on Feb. 28 or between 8:00 and 10:00 a.m. on Friday March 1.

Please let me know. Thanks.

Brian E. Smith
Communications Director
Washington State Liquor Control Board
360-664-1774

From: Trotter, Samantha E.
Sent: Friday, January 18, 2013 11:06:10 AM
To: 'Gail Scott'
CC: Smith, Brian E (LCB)
Subject: RE: WSLCB/Seattle Times editorial board

Gail, thanks for the info! The attendees will be as follows:

- Board Chair Sharon Foster
- Board Member Ruthann Kurose
- Board Member Chris Marr
- Agency Director Pat Kohler
- Deputy Director Rick Garza
- Communications Director Brian Smith
- And me – I'm the Confidential Secretary to the Board

Let me know if you need anything else.

Thanks! See you next week!

Samantha Trotter

Confidential Secretary

P: 360-664-1717 F: 360-586-3190

E-mail: {[HYPERLINK "mailto:klb@liq.wa.gov"](mailto:klb@liq.wa.gov)} MS: 43076

From: Gail Scott [<mailto:gscott@seattletimes.com>]
Sent: Friday, January 18, 2013 11:03 AM
To: Trotter, Samantha E.

**13-2-01603-3 LCE
00000443:**

Cc: Smith, Brian E
Subject: RE: WSLCB/Seattle Times editorial board

Hi Samantha,

I just sent a note to Brian. I apologize I didn't include you on the email.

We allow an hour for the editorial board. Please see below for our location and logistical information regarding parking. Also, please send me the names of the attendees, or would those be the recipients of Brian's email, below?

The Times has moved across the street to 1000 Denny Way, entrance on Boren Avenue between John Street and Denny Way, a couple of doors south of the 13 Coins restaurant. Free visitor parking is available in the lot directly across the street from our previous location at 1120 John Street, enter from John. It's about a ½ block walk from the parking area to 1000 Denny Way. When you arrive in the building, please sign in at the security desk in the lobby. One of us will come down and bring you up.

Best,

Gail

From: Trotter, Samantha E. [mailto:st@liq.wa.gov]
Sent: Friday, January 18, 2013 10:58 AM
To: Gail Scott
Cc: Smith, Brian E
Subject: FW: WSLCB/Seattle Times editorial board

13-2-01603-3 LCE
000004434

Hi Gail –

I'm going to put this editorial board visit on everyone's calendars here at the WSLCB, can you give me some info on location and approximate duration of the meeting?

Thanks!

Samantha Trotter

Confidential Secretary

P: 360-664-1717 F: 360-586-3190

E-mail: [HYPERLINK "mailto:klb@liq.wa.gov"](mailto:klb@liq.wa.gov) MS: 43076

From: Smith, Brian E
Sent: Friday, January 18, 2013 10:56 AM
To: Foster, Sharon; Marr, Chris J; Kurose, Ruthann; Kohler, Pat A ([HYPERLINK "mailto:PAK@LIQ.WA.GOV"](mailto:PAK@LIQ.WA.GOV)); Garza, Rick J ([HYPERLINK "mailto:RJG@LIQ.WA.GOV"](mailto:RJG@LIQ.WA.GOV))
Cc: Trotter, Samantha E.; Smith, Brian E ([HYPERLINK "mailto:BESMI@LIQ.WA.GOV"](mailto:BESMI@LIQ.WA.GOV))
Subject: FW: WSLCB/Seattle Times editorial board

We've scheduled and editorial board visit with the Seattle Times on Jan. 24 at 10:00 a.m.

From: Smith, Brian E
Sent: Friday, January 18, 2013 10:55 AM
To: 'Gail Scott'
Cc: Jonathan Martin; Trotter, Samantha E.
Subject: RE: WSLCB/Seattle Times editorial board

Done. We'll see you at 10: 00 a.m.

13-2-01603-3 LCE
00000443!

From: Gail Scott [mailto:gscott@seattletimes.com]
Sent: Friday, January 18, 2013 10:50 AM
To: Smith, Brian E
Cc: Jonathan Martin
Subject: RE: WSLCB/Seattle Times editorial board

Hi Brian,

How about 10 a.m. on Thursday, January 24th?

Best,

Gail

Gail Scott

Executive Assistant / Editorial

The Seattle Times

P 206.464.2496 F 206.464.2261

E {HYPERLINK "mailto:gscott@seattletimes.com"}

From: Smith, Brian E {HYPERLINK "mailto:[mailto:BESMI@liq.wa.gov]"}
Sent: Friday, January 18, 2013 10:48 AM
To: Jonathan Martin
Cc: Gail Scott
Subject: RE: WSLCB/Seattle Times editorial board

13-2-01603-3 LCE
00000443f

Hi Jonathan and Gail,

Board and staff have meetings the afternoon of the 24th. Between 9 -12 works for us.
Please let me know. Thanks.

From: Jonathan Martin [mailto:jmartin@seattletimes.com]
Sent: Friday, January 18, 2013 10:41 AM
To: Smith, Brian E
Cc: Gail Scott
Subject: WSLCB/Seattle Times editorial board

Brian – we'd love to meet. I'm cc-ing Gail Scott, our master scheduler. See you next week - Jonathan

Jonathan Martin :: The Seattle Times :: Editorial writer/columnist
w 206.464.2605 :: c 206.632.3542 :: Twitter: @jmartin206
{HYPERLINK "mailto:jmartin@seattletimes.com"} :: {HYPERLINK
"http://www.seattletimes.com"}

13-2-01603-3 LCE
000004437

ATG MI LAL Cases New

From: Marr, Chris J
Sent: Tuesday, February 26, 2013 9:07 AM
To: Smith, Brian E
Cc: Foster, Sharon; Kohler, Pat A; Garza, Rick J; Marr, Chris J; Kurose, Ruthann; Trotter, Samantha E.
Subject: Re: Liquor Control Board Request for Editorial Board Visit

I'm sure Sharon will want to attend.

Chris Marr
1801 West Bay Dr. #304
Olympia, WA 98502
(509) 993-3545

Sent from my iPad

On Feb 26, 2013, at 8:59 AM, "Smith, Brian E" <BESMI@LIQ.WA.GOV> wrote:

Looks like we're booked with the Yakima Herald on Friday morning at 900 a.m. Please mark your calendars. Thanks.

Brian E. Smith
Communications Director
Washington State Liquor Control Board
360-664-1774

From: Frank Purdy (<mailto:fpurdy@yakimaherald.com>)
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To: Smith, Brian E
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Brian:

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--Frank Purdy

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To: Frank Purdy
Subject: RE: Liquor Control Board Request for Editorial Board Visit

Thanks Frank. Look forward to hearing from you.

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Sent: Friday, February 22, 2013 11:37 AM

To: Smith, Brian E
Subject: RE: Liquor Control Board Request for Editorial Board Visit

Brian:

I have forwarded your message to the rest of the editorial board. Publisher Sharon Prill is out of town, returning Monday, and editor Bob Crlder is at a doctor's appointment. We will try to get back to you as soon as possible.

--Frank Purdy

From: Smith, Brian E [<mailto:BESMI@liq.wa.gov>]
Sent: Friday, February 22, 2013 11:27 AM
To: Frank Purdy
Subject: Liquor Control Board Request for Editorial Board Visit

Mr. Purdy,

My name is Brian Smith. I am the Communications Director with the Liquor Control Board. I just left you a voice message.

The Board will be in Yakima on February 28th for a public forum on the implementation of I-502. Each forum has typically drawn several hundred people to listen and provide input to the Board as it develops the rules that will govern Washington's system of legal marijuana.

In each of the six previous communities we've visited, the Board has met with community groups, law enforcement, city officials and others to discuss their concerns and to share how the Liquor Control Board is progressing on implementation. Board Chair Sharon Foster together with our agency director and deputy director has met with seven editorial boards in the communities we've visited. We request time with you and your board as well.

Is the Yakima-Herald Republic Editorial Board interested in meeting for 45-60 minutes with us? Present would be Board Chair Sharon Foster, Agency Director Pat Kohler, and Deputy Director (and Grandview native) Rick Garza. We are free on Feb. 28 between 3:00 and 5:00 p.m. on Feb. 28 or between 8:00 and 10:00 a.m. on Friday March 1.

Please let me know. Thanks.

Brian E. Smith
Communications Director
Washington State Liquor Control Board
360-664-1774

Hi all -

Here is a one-pager for Tuesday's Mount Vernon meetings. Please note the first one listed (Enforcement) is in Everett.

Brian - I know you mentioned that you were working on scheduling an editorial board with Skagit Valley Herald and/or the Bellingham Herald - let me know if either of those are confirmed and I'll edit the attachment.

Thanks!

Samantha

13-2-01603-3 LCB

00000886

FOOTNOTE 15



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

**WASHINGTON STATE BOARD OF PHARMACY
MEETING MINUTES
May 7, 2009**

Department of Health Kent Offices
Marketing Center Creekside Three
at CenterPoint
20435 72nd Ave S, Suite 200 Conference Room 1
Kent, Washington 98032

CONVENE

Chair Gary Harris called the meeting to order at 9:00 a.m., May 7, 2009.

Board Members present:

Gary Harris, RPh, Chair

Albert Linggi, RPh

Dan Connolly, RPh

Rosemarie Duffy, RN, MA, MSN, Public Member, Vice-Chair

Christopher Barry, RPh

Rebecca Hills, BA-Public Member

Absent Member:

Vandana Slatter, PharmD

Staff Member present:

Joyce Roper, AAG

Steven Saxe, RPh, Executive Director (Acting)

Lisa Hodgson, Executive Manager

Grant Chester, Chief Investigator

Grace Cheung, Investigator

Cathy Williams, Pharmacist Consultant

Tim Fuller, Pharmacist Consultant

Doreen Beebe, Program Manager

Leann George, Program Support

Guest / Presenters:

John Worthington

Steve Sarich

Jeanne Ferguson

Kaye Pethe

Ming Koh, P.E, CPhT

Bill Osmunson, DDS, MPHS,

Audrey Adams

CONSENT AGENDA

- 1.2 Pharmacy & Other Firm Application Approval.
 - New and Pharmaceutical Firms 2/24/2009 – 4/20/2009
- 1.4 Pharmacy Tech Training Program Approval.
 - Cleveland Institute of Dental – Medical Assistants, Inc - Kristi Stanford

▷ Patient Safety.

Not having restriction from the Board of Pharmacy was helpful to engage this system because they were able to use a process that has been worked on for a long time. Washington State standard of practice is above other states. Engaging remote order entry in Washington was average compared to other states. Mrs. Alexander stated that she has not been to a state that has anything in place for electronic supervision.

Petition to Repeal Marijuana from Schedule I RCW 69.50.204

John Worthington is asking the board to consider a petition for rulemaking to remove marijuana from schedule I.

John Worthington addressed the previous petition and disagrees with the argument used by the attorneys for the board. The argument was that the board does not have authority. Mr. Worthington believes the federal Controlled Substance Act (CSA) has never been amended to strip the board of that authority. According to Mr. Worthington RCW 69.50.201 and RCW 69.50.203 are still laws on the books. Mr. Worthington states this leaves no way out for the board of pharmacy. Mr. Worthington states the board must abide by these laws.

Mr. Worthington's statement is "Washington State has the authority to police controlled substances. There have been several instances where the federal government has had a chance to amend 903 but they chose not to." The first chance was the Medical Marijuana Laws in California and Arizona. The lawyers got together and said they could amend 903 but chose not to because of the financial outcome. The other opportunity was Raich vs. Ashcroft.

According to Mr. Worthington RCW 69.50.201 says Washington State can add or remove controlled substances from the states Controlled Substance Act (CSA). This duty mirrors the federal CSA. The board adopted the federal policy and in doing so is required to periodically update the Schedule I for the state.

Mr. Worthington is asking the board to apply the Schedule I test which is RCW 69.50.203. He asked the board to explain why the board does not think marijuana has medicinal value.

Steve Sarich, head of CannaCare. CannaCare supports and provides patients with the information, advice and services they need to obtain legal access to medical marijuana.

Mr. Sarich accused the board of lying about their vision statement. He told the board if they denied the petition that he would be taking the board to court.

Jeanne "Magic" Ferguson representing Grammas for Ganga, an organization formed by women who believe the prohibition is fundamentally wrong. Ms. Ferguson believes that the current laws that put Cannabis in Schedule I are erroneous and have never been correct. Ms. Ferguson feels the plant does not belong as a Schedule I drug and demands that the board look at removing it from Schedule I.

Kaye Pethe who is with Grammas for Ganga. Ms. Pethe states one of the three essentials of a Schedule I drug is not met by marijuana and marijuana should be removed from Schedule I.

Joyce Roper, AAG stated that the board reviewed a previous petition to reschedule Medical Marijuana and issued a decision Dec 26, 2007. In that decision the board reviewed the standard in RCW 69.50.201 and what the board should examine in deciding whether to delete or reschedule a substance including schedule I substances. Subsection one talks about the various factors that should be considered. This is also referred to in the petition and the decision.

At no point in the order issued by the board in December 2007 did the board say they had no authority to reschedule medical marijuana. Also the board did not say that there was no medical use. They based their decision on cannabis lacking accepted safety for use in treatment under medical supervision. The board noted in its conclusion that sufficient questions exist about the safety of medical marijuana given its variability in strength, lack of standardization, and uncertainty about dosing. All of these (consistency in strength, standardization and dosing certainty) are indicators for a medication of pharmacological quality and controls. Marijuana does not have the pharmacological attributes necessary for accepted safety in use for treatment under medical supervision. Therefore, the board concluded that marijuana lacks accepted safety in treatment under medical supervision particularly with current methods of distribution or acquisition, so it was appropriate to keep marijuana as a schedule I controlled substance. The board further noted that the legislature had directed the Department of Health to prepare a report of methods for authorized medical marijuana patients to obtain the medical marijuana. The board hoped the legislature would take that report and set up a process for safe distribution which would also recognize some sort of standardization of what is available and consistency in strengths or dosages for medical treatment. This would make it more of a pharmaceutical substance which could be considered in evaluating the safety of marijuana for use in treatment under medical supervision, as well as addressing questions about safe distribution of marijuana.

Ms. Roper also noted that this board does not regulate herbal substances. The Board of Pharmacy's authority relates to legend drugs and substances available at pharmacies

Question has been called to end the debate.

MOTION: Rosemarie Duffy moved that the board deny the petition to remove marijuana from Schedule I for the same reasons as the board's prior decision in December 2007. Dan Connolly second. **MOTION CARRIED. 5-0.**

Remote Order Entry

The board was asked to consider a request by Providence St. Mary Medical Center to allow on-call pharmacists to enter medication orders from home.

MOTION: Rebecca Hille moved to reject the request by Providence St. Mary Medical Center to allow on-call pharmacist to enter medication orders from home without someone to answer the board's questions and concerns. Rosemarie Duffy second. Rebecca Hille withdrew her motion. Rosemarie Duffy withdrew her second.

Remote Order Entry

The board was asked to consider a request by Bellingham St. Joseph Hospital to allow on-call pharmacists to enter medication orders from home.

MOTION: Rebecca Hille moved to table 3.3 and 3.4 until there is a representative available to answer the board's questions and concerns. Dan Connolly second. **MOTION CARRIED. 5-0.**

DISCUSSION

2009 Legislative Updates

Steven Saxe updated the board on the bills that passed the legislative session.

FOOTNOTE 16

SKAMANIA COUNTY

-----Original Message-----

From: Tracy Wyckoff
Sent: 04/28/2006 10:16 AM
To: SCSO
Subject: RE: [BULK] medical marijuana

John,

The standard we use is, as I understand it State Wide. 3 Starter plants, 3 Juvenile, and 3 Adult plants.
Total of 9 plants. Tracy

Detective Tracy D. Wyckoff
Skamania County Sheriff's Office
P.O. Box 790
Stevenson, WA 98648
PH. 509-427-9490
Fax. 509-427-8742
tracyw@co.skamania.wa.us

-----Original Message-----

From: Cindy Hull On Behalf Of SCSO
Sent: 04/27/2006 3:38 PM
To: Tracy Wyckoff
Subject: FW: [BULK] medical marijuana
Importance: Low

Hello,

Can you please inform me of the medical marijuana guidelines in skamania county?

How many medical marijuana plants can a medical marijuana patient grow in skamania county

I am not seeking legal advice I am seeking the skamania county guidelines in order to be in compliance with county rules.

CLARK-SKAMANIA DRUG TASK FORCE EXECUTIVE BOARD MEETING

Date: Friday, June 3, 2005

Time: 9:30 A.M.

Location: Vancouver Police Department
605 E Evergreen
Park out front and enter through the lobby
where you will sign in and receive a
visitor's badge.

AGENDA

- I. APPROVE MINUTES
- II. REPORTS
 - A) Operational Case Reports
 - 1) Review of Current Cases
 - 2) Review of Proposed Cases
 - B) Monthly Stat Report
 - C) Budget Report
 - D) Prosecutor Report
- III. OLD BUSINESS
 - A) Medical Marijuana
 - B) Policy and Procedures
- IV. NEW BUSINESS

RCW 69.51A.060 Crimes--Limitations of chapter.

- (1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.
- (2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.
- (3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.
- (4) Nothing in this chapter requires any accommodation of any medical use of marijuana in any place of employment, in any school bus or on any school grounds, or in any youth center.
- (5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(5)(a).
- (6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

Background:

Amounts

RCW 69.51A.040(2)(b) states in substance that a person may possess no more marijuana than is necessary for the patient's personal, medical use, not to exceed a sixty-day supply.

For the purpose of this protocol, a sixty-day supply is defined as;

- A. Marijuana plants, limited to 9 plants total, three plants per stage; or
- B. Three (3) ounces (85.05 grams) of processed marijuana.

Listed below is a description, to include photographs, of marijuana in each of the three stages of growth. These descriptions are meant to provide general guidelines only. Different growing techniques may produce a variety of results in the size of the plants and its maturity.

In our area, almost all marijuana growers utilize a three stage grow process. The three stages are generally as follows;

To patients, or law enforcement personnel, who are not intimately familiar with the statute, looking at this they may very well think that this is, in fact, the wording in the statute. It was obviously made to look that way by the creator of the document. The text falls immediately below the statute paragraph, the font type and size are identical, and there is no clear notation that this wording does not appear in the actual statute. It is clearly deceptive and intended to convince the reader that this is actually a portion of the State law and not an illegal, and unauthorized, version of the actual law.



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Seattle Police Department Issues Medical Marijuana Guidelines

August 1, 2000

Washington voters in 1998 passed Initiative 692 to allow patients with certain terminal or debilitating diseases to possess and use marijuana for medicinal purposes. But ensuring police adopt enforcement policies that protect citizen rights under the state's Medical Use of Marijuana Act has been another matter. The new law allows patients to have up to a 60-day supply for personal medical use and to designate a caregiver to grow marijuana for them. There has been confusion about the law because it does not specify a set amount of marijuana for patients, and marijuana possession remains prohibited under federal law. Some qualified patients have been arrested for possession since the law's enactment.

After months of negotiations with the ACLU, the Seattle Police Department (SPD) in 2000 issued written instructions for enforcing the Washington Medical Marijuana Act. Its guidelines advise police to document marijuana "grows" by someone claiming to be a qualified patient through photos, samples, and plant size measurements instead of confiscating plants or growing equipment. To clarify the supply question, the SPD specifies that an individual patient or caregiver may possess up to nine plants in various stages of maturation.



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Site by FUSE IQ

MEMORANDUM

To: Chief Randy Carroll, President, Washington Association of Sheriffs and Police Chiefs

From: Dan Davis, Program Manager, Washington State Department of Community, Trade and Economic Development

Subject: Interim Model Medical Marijuana Enforcement Policy

Date: April, 16, 2007

Governor Gregoire, and some members of the Legislature and the media have recently expressed concern about local law enforcement's lack of uniform policies and procedures in the enforcement of the provisions of RCW 69.51A, which permits the medical use of marijuana. The Legislature is currently considering revisions, ESSB 6032, that would clarify at least one critical issue: What constitutes a sixty-day supply of marijuana? However, it may be another year before changes in the law become effective. In the meantime, legitimate patients may be unnecessarily disaccommodated by local law enforcement officers and prosecutors as they all struggle to comply with the intent of the law.

CTED, in its role as the State Administering Agency for the federal Justice Assistance Grant (JAG), brought together representatives from the Washington Association of Prosecuting Attorneys (WAPA), the Washington State Patrol, Justice Assistance Grant funded Multijurisdictional Narcotics Task Forces, and the Northwest High Intensity Drug Trafficking Area program, to develop a draft model policy and procedure for local law enforcement that (1) defines a sixty-day supply, and (2) provides clear enforcement protocol. This ad hoc advisory committee reached a consensus on an interim "best-practice" recommendation (attached) to be presented to the Executive Boards of WAPA and the Washington Association of Sheriffs and Police Chiefs for consideration. If the recommendations are endorsed, an interim policy could become effective immediately.

I would be willing to discuss this recommendation in any venue that you deem appropriate.

Respectfully,

Dan Davis

Johnston, Bill (CTED)

From: Perz, Paul (CTED)
Sent: Friday, March 30, 2007 9:29 AM
To: Wall, Nicole (CTED)
Cc: Ousley, Nancy (CTED); Davis, Dan (CTED)
Subject: Monday Alert Item

CTED works with law enforcement and prosecutors to establish a uniform policy regarding a 60 supply for medicinal marijuana

Governor Gregoire, some members of the Legislature and the media have recently express concern about local law enforcement's lack of a uniform policies and procedures in the enforcement of the provisions of RCW 69.50A, which permits the medical use of marijuana. The Legislature is currently considering revisions, ESSB 6032, that would clarify at least one critical issue: What constitutes a sixty-day supply of marijuana? However, it may be another year before changes in the law become effective. In the meantime, legitimate patients may be unnecessarily disaccommodated by local law enforcement officers and prosecutors as they struggle to comply with the intent of the law. CTED, in its role as the State Administering Agency for the federal Justice Assistance Grant (JAG), brought together representatives from the Washington Association of Prosecuting Attorneys (WAPA), the Washington State Patrol, Justice Assistance Grant funded Multijurisdictional Narcotics Task Forces, and the Northwest High Intensity Drug Trafficking Area program, to develop a uniform policy and procedure for local law enforcement that (1) defines a sixty-day supply, and (2) provides clear enforcement protocol. When this ad hoc advisory committee reaches a consensus, a "best-practice" recommendation will be presented in May to the Executive Boards of WAPA and the Washington Association of Sheriffs and Police Chiefs. If the recommendations are endorsed, an interim policy could become effective immediately.

For more information please contact Paul Perz at 725.3025 or Dan Davis at 725.3041

Definitions

- Mature Marijuana Plant:** A marijuana plant that, regardless of size, has visible flowers or buds.
- Immature Marijuana Plant:** A marijuana plant that, regardless of size, has a visible root, but has not developed flowers or buds.
- Usable Marijuana:** The dried leaves and/or buds of the mature marijuana plant, not to include stalks, seeds, or roots.
- Sixty-Day Supply:** The total amount of marijuana that a qualifying medical marijuana patient would reasonably be expected to need over a period of sixty days for their personal medical use. If both the patient and designated provider possess marijuana intended for medical use by the patient, the combined amount may not exceed the sixty-day supply, which is:
- No more than 3 ounces of usable marijuana, and
 - No more than 3 mature marijuana plants, and
 - No more than 6 immature marijuana plants

Suggested Enforcement Response

1. For those situations wherein a subject (patient or provider) possesses no more than a sixty-day supply, and meets all the requirements listed in RCW 69.51A, the recommended response is to make an official report of the circumstances and attach copies of all required documentation.
2. If the subject has valid documentation, but exceeds the sixty day supply, the recommended response is to make an official investigative report of the circumstances, photograph the scene,

take samples of the marijuana for identification, and attach copies of all documentation. The report should then be forwarded to the Prosecutor's Office for filing, PROVIDED THAT the amount of marijuana possessed is

- No more than 8 ounces of usable marijuana, and
 - No more than 6 mature marijuana plants, and
 - No more than 12 immature marijuana plants
3. For the following circumstances, the recommended response is seizure of all marijuana, grow equipment, and any other evidence necessary to support a prosecution. Arrest may also be appropriate:
 - The amounts possessed exceed those listed in No. 2, or
 - There is evidence of delivery or sale to non-patients, or

60 Day Supply

1. West Sound Narcotics Enforcement Team (Kitsap County)
Plants 27 total (9 in each stage)
Processed: 8.51 ounces

2. Seattle Police Department Narcotics
Plants 9 total (3 in each stage)
Processed: 3 ounces

3. North Central Washington Narcotics Task Force (Okanogan County)
Plants 9 total (3 in each stage)
Processed: 2 ounces

4. Grant County Interagency Narcotics Enforcement Team
Plants: 9 total (3 in each stage)
Processed: 2 ounces

5. Olympic Peninsula Narcotics Enforcement Team (Clallam County)
Plants: 5 total
Processed: N/A

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0527
RECIPIENT ADDRESS 8p38042586383024808
DESTINATION ID
ST. TIME 07/06 11:17
TIME USE 06'20
PAGES SENT 16
RESULT OK



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
GOVERNMENT COMPLIANCE AND ENFORCEMENT DIVISION
1125 Washington Street SE, PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

FAX COVER SHEET

Date: July 6, 2005

Time: 10:43 AM

Please deliver the following [16] page(s)

TO:

DET DARRIN ULLMAN — FAX 360-425-8638
Sue German, Det. Rick Johnson, Sgt. Travis Matheson

Fax Number: 586-8231 (Sue and Rick) and 586-1628 (Travis)

COMMENTS: Here's medical marijuana information with form suggested by WSMA and Roy Alloway's memo to Randy Drake which apparently King County is using as an outside limit.

FROM:

Fred J. Caruso
Fax Number: (360) 664-0229
Voice Number (360) 522-3244

JW-00334
PRR-2006-00205

From: "John Halsted" <JHalsted@co.kitsap.wa.us>
To: "John worthington" <worthingtonjw2u@hotmail.com>
Subject: Re: medical marijuana
Date: Tue, 02 May 2006 15:13:19 -0700

Sir,

West NET Detective Roy Alloway is medical marijuana expert and may be able to answer some of your questions. He experience in this field is renown, so much so that the Washington State Attorney General's Office relies on his expertise to assist them on occasion. I would suggest you give him a call. His office number is (360) 337-7064 ext.3727.

Thank You,

Detective John Halsted

Detective John Halsted
West Sound Narcotics Enforcement Team
614 Division St
Port Orchard, WA 98366
(360) 337-7064 ext. 3734

"John worthington" <worthingtonjw2u@hotmail.com> 05/02/06 2:57 PM

Dear Mr. Halstead,

I consume my medication and 9 plants will not come close meeting my 60 day supply. Can you tell me how you came up with that number? Is this limit published somewhere that patients can look it up? No offense, but i'd like to have this 27 plant law printed out in case the police show up at my door.

Thanks,
John Worthington

KITSAP COUNTY

From: "Earl Smith"
To: "Jim McDonough"
CC:
Subject: Webpage Inquiry
Date: Fri, 10 Feb 2006 09:53:58 -0800
MIME-Version: 1.0
Received: from mail1.co.kitsap.wa.us ([146.218.3.200]) by bay0-mc5-f16.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Fri, 10 Feb 2006 09:54:32 -0800
Received: from ADM_DO-MTA by mail1.co.kitsap.wa.us with Novell_GroupWise; Fri, 10 Feb 2006 09:54:27 -0800
X-Message-Info: JGTYoYF78jHP9eMIIFbADxpTGMzCR2fDVOsDRDOT+P0=
X-Mailer: Novell GroupWise Internet Agent 6.5.5
Return-Path: ESmith@co.kitsap.wa.us
X-OriginalArrivalTime: 10 Feb 2006 17:54:32.0226 (UTC)
FILETIME=[0BE03820:01C62E6B]

John,

The law states that you can possess a 60 day supply to treat a patient's condition at any one time. There is no stated amount of processed marijuana or plant count mentioned in the law.

Detective Alloway has done a great deal of research as to what might constitute a 60 day supply (at the very high end). Using this research we apply the following calculations when determining whether to arrest, seize plants, and prosecute medicinal marijuana claims:

-8.51 ounces or less of processed marijuana, or;

-no more than nine marijuana plants in each three stages of growth (total of 27 plants)

Sincerely,
Lt. Earl W. Smith
Detective Division
(360) 337-5610

>>> Jim McDonough 02/09/06 12:17 PM >>>

Didn't you get a question like this last week?

Jim

>>> "JOHN WORTHINGTON" 2/9/2006 11:02:58 AM >>>

Hello sheriff,

How many plants is a medical marijuana patient allowed to have in kitsap county.

Can you please inform me of the limits in kitsap county.

Thank you

KITTITAS COUNTY

Mr. Worthington,

FOOTNOTE 17

Purpose:

Cascadia Growers Association ("CGA") Intends to become the State's premier licensed grower and supplier of marijuana and marijuana products for recreational use under Washington's new marijuana production licensing system.

Business Summary

CGA is an organized LLC which has been founded by local entrepreneurs with experience in business, agriculture, medical marijuana production, political lobbying and operations. Recreational production, sale and use of marijuana was passed by Washington voters in November of 2012, under Initiative 502, in order to decriminalize the possession of marijuana for adults and to create an industry that brings sales of marijuana above-ground and allows for its taxation by the state. The initiative directed the state's Liquor Control Board ("LCB") to develop rules for this new industry and to implement licensing and regulation of the producers, processors, and retailer.

CGA has identified a location in the Olympia, WA area which it believes is ideal for its purposes of constructing a facility which could produce up to 50,000 pounds of marijuana annually and will pass all zoning and other regulations for production under I-502. The Company intends to apply for and receive a combined Producer/Processor license from the State by December 2013 and begin construction and production before the end of this year.

The Team

Ezra Eickmeyer, CEO – Has been the main lobbyist for the cannabis industry since 2010 and has represented various businesses in Washington State for more than 10 years. He has also founded and runs a holistic medical care clinic and was instrumental in passing SB 5073 in 2011, establishing the collective garden language that all medical cannabis access points operate under.

Phillip Dawdy, Board member – Mr. Dawdy is at the center of the cannabis industry in Washington. He has authored part of the state's current medical cannabis law and works as a consultant to leading cannabis retailers and producers. He also lobbies local governments and the Liquor Control Board and has helped author several local zoning ordinances.

Jim Harrison, Board member – Successful local businessman and expert in fisheries and environmental issues and expert in marijuana growing methods and technologies.

Bill Moore, Board Member – Successful developer and businessman in Mason and Thurston counties. Mr. Moore is an expert on medical marijuana production and land development and construction.

Bill Eickmeyer, Founding investor – 12 years as State Representative from the 35th District. Former founder of the Institute of Family and Children's Services.

Consultants and Managers – CGA has and will contract with experts in finance, corporate and farming/cannabis law, agriculture and other areas as well as hire full time managers with deep experience in the growing of marijuana.

Industry Background and Opportunity

Marijuana growing and retail sales has been available in Washington State (and several other States) since 2009. The medical market carries a large volume of both indoor and outdoor production while also competing with the black (illegal) market. The medical marijuana market expanded rapidly with many growers and retailers opening facilities Statewide. Retail sales of medical marijuana has ranged from \$2,500 to \$5,000 per pound (sold in ounces or grams), but has been tempered by constant risk of investigation and shut down by Federal authorities as the industry is not legal under US federal substance regulations, nor is it sanctioned by state law.

Several years ago, many advocates for legalization of marijuana, including CGA's founder and CEO, began lobbying and campaigning the Washington legislature, culminating in the passage of I-502 in November 2012. I-502 allows for the licensing of a certain number of producers, processors and retailers of marijuana governed by an as yet unfinalized set of rules and to be overseen and administered by the state's Liquor Control Board.

Draft rules were released July 3, 2013 and final rules should be ready mid-August. There will be a one-month window for submitting applications to the Liquor Control Board starting September 15, which will close after October 15. Licenses will be issued by the first week in December.

It is expected that licenses will be issued for: a) Producers which will plant, grow and cultivate marijuana from seed or plant sample; b) Processors who will take the left-over trim of the raw product from production and process it for infused products (oils, edible goods, etc.) and package and label all buds to prepare them for sale to retailers; and c) Retail operators who will sell the finished products to the public. It is anticipated that the LCB will create a 'hybrid' license so that companies, including CGA, can act as both producer and processor. The State intends to collect, at each stage of the growing and processing timeline an excise tax of as much as 25%. Draft regulations and rules state that all steps in the growing, processing and retail sales industry must be strictly controlled and all materials and production amounts identified and tracked using approved software and other data collection methods. All employees and investors owning more than 10% of a licensed entity must be identified and undergo a State background check, as do all staff and workers involved in each aspect of the processes. In addition, there are strict rules governing the zoning of both production and retail locations intended to keep all aspects of marijuana sales and use away from children and family activities.

The LCB may both control and limit the number of licenses at each level as well as regulate the maximum amount of square feet allowed to be used for growing, thus controlling the total amount of product to be produced and sold. It is estimated by State experts that Washington will consume approximately 350,000 pounds of cannabis annually (this includes all consumption, both legal and otherwise). While the Liquor Control Board assumes that licensed retailers will only capture 25% of this market in the first year with their licensed system, or about 87,500 pounds sold legally, we believe the number will be much higher since they are not likely to impose low size limits in grow operations and prices will be lower than initially anticipated, leading to the capturing of more of the market than 25%.

In addition to following explicitly the State imposed regulations and rules, there will be issues for CGA in abiding by US federal laws and tax codes related to farming in general and the growing and production of cannabis. Although I-502 (and other similar laws in Colorado) create legal cannabis growing and sales industries, the growing and selling under federal law remains illegal. In our observations, however, direct federal intervention is usually an issue for operators in states who don't have a licensing system or state endorsement of the activity. Large-scale growers in Colorado, for example, have not any issues with federal law enforcement provided they remain 1000 ft. from schools. Although the Obama administration has in general taken a 'hands-off' approach to new laws such as I-502, the federal government, both through the DEA and IRS has actively investigated, audited and shut-down several medical marijuana facilities and retailers in these states. For the most part these activities have been directed at either very large producers or those that the government identified as having broken accepted guidelines and regulations or been involved in other illegal activities such as money laundering and selling to non-medical customers.

Several bills are in the process of being developed and lobbied for both at the state and federal levels that would prevent the US government from interfering in cannabis industries legalized at the State levels. The Company is deeply involved in the lobbying efforts and well aware of all efforts to allow for the unfettered growth of the legalized cannabis industry in Washington State. However, the fact that cannabis remains illegal on a federal basis creates challenges for CGA and other prospective licensees in terms of adhering to US regulated banking, tax, labor and other rules. CGA believes that between the application time period in September and October 2013 and the issuance of its license in December that it and other licensees, the LCB, and other State entities will derive guidelines and legal opinions that will allow it to operate with as small amount of risk as possible from the US government. However, certain risks will be inevitable in the recreational marijuana industry until fully litigated at the federal level. CGA believes its executives and consultants are well qualified to mitigate these risks and to produce a business model which will generate returns far outweighing the risks.

From: larry@jblexington.com
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Tuesday, February 03, 2015 12:06:00 PM

Date: February 3, 2015

From: Larry Harris

PO Box 741

Mount Vernon, WA 98273

To: Comments on the Interim Ordinance on Marijuana Facilities
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Subject: Interim Ordinance on Marijuana Facilities

I am writing to ask that you consider rescinding the moratorium on marijuana operations in Skagit County.

I understand this new cannabis industry is fraught with unknowns that might justify the county to take a position of "let's just wait and see where this winds up." This attitude, however, will significantly handicap anyone attempting to start a cannabis business in Skagit County, and it will significantly diminish possible revenue the county could capture from these businesses. This is a very competitive industry. Consequently, those individuals who start their businesses first will have an advantage.

Let us first focus on job creation as a benefit for Skagit County. Consider a Tier 3 Producer/Processor. Once fully licensed and operational an operation should create between twenty-four to twenty-eight full time jobs. Eight to ten of these jobs will be professional levels with salaries in the \$50 - \$80k range. The remaining fourteen to eighteen jobs will be manufacturing jobs with salaries in the \$32 - 50k range. While cannabis cultivation is complex it does not require formal education and can easily be filled from within the existing community work pool.

Above personal income numbers apply only to those generated internally from a fully functioning facility. They do not include salaries and income generated by local business as part of the purchase of land, building of a 40,000 sq foot building and maintenance of a facility.

Secondly, consider the revenue for the city and county. While this number is unknown, it has the potential to be significant. At a minimum, there are monies from sales tax, B&O tax, property tax and a to be determined share of the 25% excise tax.

I am concerned that those attempting to start cannabis businesses in Skagit County will become discouraged and petition to move to alternative out of county locations. It is understandable that the board feels it important to respond to the concerns of rural homeowners; however, the benefits to the entire county business and citizen community should be considered.

Enclosed cannabis businesses should not have a negative impact on the community. Indoor cannabis grow facilities will be modern state of the art construction mandated by statutory regulations and the State of Washington. Owners and investors demand that they operate strictly according to the law. They are highly regulated, monitored and secured. Internal cannabis operations are tightly regulated by existing laws, strictly monitored by law personnel, and stringently secured in accordance with state regulations. No investor will tolerate infractions of regulations and the law.

Thank you for your consideration.

Sincerely,

Larry Harris

To: Skagit County Commissioners

Date: January 6, 2015

Subject: Interim Ordinance on Marijuana Facilities



My name is Barb Hendrickson.

I reside at 17289 Dunbar Road, Mount Vernon, WA 98273-8761.

For 44 years, I have lived in this rural residential area that encompasses Dunbar Road, Dunbar Lane and Valley View Drive. A total of 73 homes are in this mile long neighborhood area where the average house frontage is 100' to 120'. It is an area where individuals and families walk, kids ride their bikes, 6 school bus routes travel the road and other activities that are typical of a neighborhood.

I am here to support this ordinance. I have been directly impacted by the business at 14971 Dunbar Lane. About 30' from my house is an 8' illegal fence. About 20' beyond that is one of 5 greenhouses that we have been told are part of a medical marijuana business.

That business operates behind their enclosed walls with no questions asked. Am I expected by living next door to tolerate the activities and effects associated with this business of growing and processing marijuana without any say?

There are several things that I have had to deal with: (1) a recommendation that I not try to sell my property for 2 years because of a drop in value directly related to what is adjacent to my property, (2) during November the greenhouse nearest my back yard had about half the area lit causing me to realize how great an issue of excess light will occur if all 5 greenhouses are lit, (3) and odor that smells like a dead skunk permeating my yard during processing, (4) cameras that I have no way of knowing how much of my property is being recorded.

As a widow of a WSP trooper, I have never been concerned of living alone, especially in this neighborhood. I AM NOW because there is no accountability or check and balances for what happens behind the enclosed walls next door.

It is up to you as County Commissioners to decide where these marijuana producing and processing facilities can be located. As a voting citizen of Skagit County, I do not feel that any rural residential neighborhood is an appropriate location.

Thank you for your time.

RECEIVED

JAN 12 2015

SKAGIT COUNTY
PDS

January 8, 2015

To: Skagit County Commissioners

From: Robert W. Hill

5868 Homestead Lane

Anacortes, Washington 98221

Subject: Interim Ordinance on Marijuana Facilities

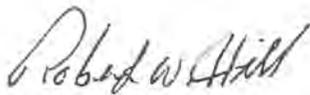
The location of the Miller Marijuana Farms on Guemes Island is unique to the locations of the other Pot growers in Skagit County. We on this island do not have city water. We all have wells !

The amount of water it requires to irrigate thousands of marijuana plants (I am told 2 ½ gallons per day per plant) will surely lower the water levels of the surrounding wells. Further, the runoff of all that fertilized water may contaminate the aquifer we draw from.

Another concern is that we have no police presence on Guemes Island. The Sheriff's office will take a report by telephone and, if necessary, send a patrol car by ferry. If a crime is in progress at or near the Marijuana Farm during the night, this does us little good because the ferry is not running.

I urge you, therefore, to continue the Moratorium of the Miller Marijuana Farm indefinitely.

Thank you for your attention to this important matter.



Robert W. Hill

From: [Terry Hill](#)
To: [PDS comments](#)
Subject: Interim ordinance on Marijuana Facilities
Date: Saturday, January 03, 2015 6:53:51 PM

Skagit County Commissioners: I'm writing this email to let you know that we're NOT in favor of allowing a marijuana growing operation in our residential neighborhood. I am referring to the grow operation at the corner of Dunbar Road and Dunbar Lane.

We don't feel this is a good mix for a residential neighborhood, with children growing up, catching a bus at this intersection and possible crime activities, it just doesn't mix well. We see that this operation has security camera's now, indicating to me that they feel someone may want to break into the facility, which leads to more crime for the neighborhood.

We also understand that the 8 foot high fence that was recently installed around this facility was built without the proper permits! Has anything been done about this? Also, what would the building department say if I was to have a few shipping containers delivered to my property and I use them as permanent structures, without receiving proper permits.

We are also worried about the resale value of our property if a facility like this is allowed to proceed in a residential area. Recent articles in the SV Herald talk about a real estate agent talking with homeowners in the Alger area next to a grow operation and stating that they didn't feel they could sell their properties with a grow operation next door!

If someone wants to grow marijuana to supply home or medical use, then do it on an agricultural zoned property, where it doesn't have negative effects to its neighbors.

Thank you for your consideration.

Terry Hill
17114 Dunbar Road
Mount Vernon, WA. 989273

This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, distribute or disclose to anyone any portion of this message or the information contained herein. If you have received this message in error, please immediately advise the sender by reply email and destroy the message.

From: [MICHAEL HOLMSTROM](#)
To: [PDS comments](#)
Date: Thursday, February 05, 2015 10:41:42 AM

We support the moratorium on marijuana growing and processing. We believe residential neighborhoods are not an appropriate place for these businesses to operate.

From: [Jody Houser](#)
To: [PDS comments](#)
Subject: Moratorium comments on Marijuana Growing Operations
Date: Tuesday, February 03, 2015 12:20:17 PM

We strongly urge the commissioners to stop the expansion of marijuana growing operations in "residential" areas. We are unfortunated to now live behind an area that was a horocultural operation and now purchased by a marijuana grow operation. During the summer months the "smell" from this is terrible. I am sure this has also brought down our property value for our neighborhood. Would you buy a house that was next to one of these grow operations? I doubt you would, nor would anyone else unless they were involved in it. Especially families with young children. I wouldn't consider it a "safe" area to live next to. After all, this is a "drug" operation and nothing to do with "agriculture". Its not like growing a food crop. This is a risky and unsafe business to have in residential areas and belongs in an "industrial" area where access is limited. We urge you to stop this growth. You see in the news frequently that people involved in this type of operation are usually targeted by criminals.

Jerry & Jody Houser
14848 Valley View Drive
Mt. Vernon, WA 98273

From: [Larry Hurlimann](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Monday, February 02, 2015 7:28:12 PM

Cambria Hurlimann
3401 Old Highway 99 N. Rd.
Burlington, WA 98233
February 1, 2015

Comments on the Interim Ordinance on Marijuana Facilities

When contemplating how I would like to address the Skagit County Board of Commissioners regarding the Interim Ordinance on Marijuana Facilities, my first thought was to give accolades to the Board for listening to the public and beginning the process necessary to address our concerns. This feeling of gratitude quickly gave way to frustration; frustration that the County did not protect us adequately in the first place. After researching marijuana legislation in various counties over the last few months, it became apparent that current Skagit County legislation regarding marijuana facilities has been quite deficient, which has left many citizens feeling victimized.

A marijuana producer once suggested that the neighbors in opposition to their grow operation were just “fear-mongers”. Well, I have to say that this statement is correct. I do endorse being fearful of neighborhood marijuana operations. It is fear of the UNKNOWN:

1. Fear for safety- That a criminal will mistake my property for that of the grow operation and bring harm to my family, or use my property to gain entrance to the production site. Criminals don't obey “No trespassing” signs; and security measures provided to neighbors of the marijuana facility are absent.
2. Fear that our well will be negatively impacted.
3. Fear that harm will come to the environment and wildlife.
4. Fear that our properties will be devalued.
5. Fear that neighborhood disputes will escalate.

I am hopeful that with the creation of new, complete, and clear legislation my fears will be alleviated and my confidence in the local government process will be restored.

I am in support of the current moratorium and Interim Ordinance on Marijuana Facilities. Regarding the Interim Ordinance, I respectfully request the following:

1. Implementation of greater set back requirements from property lines. I do not feel that a 250 ft. set back of transparent or translucent siding or security fence, from a residence not owned by the facility is adequate. Several other counties and cities have larger set back requirements: Snohomish and Whatcom

Counties require 300 ft., and Burlington and Lynden require 1000 ft.

2. That “grandfathering” in of current operations will NOT be allowed if these operations are not in accordance with new legislation.
3. That code would be accompanied by a Code Compliance Process that is capable of being strictly enforced. This means that law enforcement and selected county officials should be allowed to conduct site visits to marijuana facilities at all times.
4. That the County consider public opinion by including a “Work Plan” which invites public input as regulations are being developed.

Ultimately, I would ask the Board to consider imposing a ban on outdoor and greenhouse growing of recreational marijuana in Skagit County and limit it to strictly indoor facilities in non-residential zones that can be more closely regulated and monitored.

The State of Washington has repeatedly upheld county-level decisions regulating marijuana in their own jurisdiction’s, it is clear that Skagit County has the chance to “make it right” by taking the opportunity to chart its own course with regard to recreational marijuana legislation.

We are all familiar with the old adage, “there’s no use crying over spilled milk”. Lately I have done my share of crying and being a victim, now it is time to roll up our sleeves and work together to clean up this colossal mess before more neighborhoods are allowed to go to “pot”.

Thank you,
Cambria Hurlimann

From: [Larry Hurlimann](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Saturday, January 24, 2015 5:34:03 PM
Attachments: [datauri-file.png](#)

My name is Larry Hurlimann and I live at 3401 Old Hwy. 99 N. Burlington.

I wanted to begin by commending and extending my appreciation to the County Commissioners, Planning Department, and all others involved with adopting the moratorium on recreational and medical marijuana facilities in specified zones. I am in support of the Interim Ordinance on Marijuana Facilities (Ordinance O20140008).

With existing county code and now the moratorium in place, the discussion shifts to enforcement. After almost nine years of property ownership at my current address, I now share a property line with a recreational marijuana production business. While sitting at the dinner table with my wife and children ages 10 and 6, we look out the back window each night at the glow of grow lights in their greenhouses. While outside at our property we listen to their heating system for the greenhouses cycle on and off 24 hours a day. Now that Christmas has come and gone it is apparent they have not been growing Christmas Poinsettias in their greenhouses.

Each day the grow lights are on and the heating system active, the marijuana production business moves closer to harvesting their marijuana crop. They continue to grow their crop while being in County code violation as of December 3, 2014. Each day the business owners move closer to a harvest and the safety of the surrounding community is compromised further. With each successful harvest, the business owners will have more revenue available for legal defense of their code violation and any fines they may incur.

When considering the safety of the community, basic economic calculations must be considered. If using the commonly known street value of \$40.00 per 1/8 ounce of dried marijuana, each pound of dried marijuana has a street value to the end user of over \$5000.00. With state regulations allowing a producer to have up to 125% of annual harvest amounts of marijuana on site at any given time, the potential street value of product on the tier 3 marijuana production site is astounding. I actually sleep better at night not thinking about what that dollar value could be.

Many believe the security required by the State for marijuana facilities is adequate, but I do not. As a former employee of a local engineering company that designed and manufactured alarm systems, I was the engineer responsible for ensuring that products maintained compliance for Underwriters Laboratory listing. While having the role with the company I became quite familiar with alarm system security requirements.

The Washington Administrative Code 314-55-083 provides details for security requirements for a marijuana licensee. The alarm system portion of the code consists of two sentences that state; "At a minimum each licensed premises must have a security system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and hold up alarms may also be utilized." The hyperlink below provides all the details of the code.

<http://apps.leg.wa.gov/WAC/default.aspx?cite=314-55-083>

Although there is more detail in the section of code for the surveillance system requirements, surveillance systems provide video that can be reviewed after criminal activity has occurred. Alarm systems react during a criminal activity and potentially initiate law enforcement response to the scene of a crime.

Regardless of alarm system or surveillance system requirements for the producer, the owners of neighboring properties may not have the same level of security in their systems. In our community, unless potential criminals stroll up the driveway of the marijuana producing business, they will have to go through the private property of neighbors to get to the marijuana production site.

When comparing alarm system requirements, the Underwriters Laboratory Standards for alarm systems that I am familiar with were several hundred pages long. The two sentences that the State provided for alarm system security demonstrates how much thought, effort, and consideration they put in for the safety of the communities surrounding marijuana facilities.

It is apparent that the requirements for surveillance systems is of more interest to the State, since it is more directly related to tracing the product ensuring the State does not lose out on significant tax revenue. Tracing product does not deal with in progress criminal activity and any corresponding response to possible emergencies at a producer's facility.

Some of the details of requirements for alarm systems that are included in the Underwriters Laboratory 365 standard I am familiar with include; communication links to police station receiving and transmitting units that recognize any break in communication, alarm sounding devices meeting specific volume requirements, alarm system and alarm sounding device battery backup, etc. Even with alarm systems sophisticated enough for banks, there are still common occurrences of bank robberies. The following Hyperlink provides Seattle Times Blogs on recent bank robberies, (I have provided multiple hyperlinks throughout the document for relevant news stories from sources that I consider credible.)
<http://blogs.seattletimes.com/today/topic/bank-robbery/>

In addition to neighbors of marijuana producers having concerns about safety, there have been examples of producers themselves not being completely comfortable with their situation. In the story at the hyperlink below, the owner of production facility in Snohomish County has 1440 square feet of plants in his Tier 1 facility. He recorded sales of \$200,000.00 in October and November.

The owner also described his trip to O Bee Credit Union in Olympia which was one of the few institutions willing to accept his money. He went to the credit union with a backpack containing \$135,000.00 and his concealed weapons permit. The production facility in the story is a Tier 1 with 1440 square feet of plants as opposed to our neighbor that is a Tier 3 and is proposing 12,000 square feet of grow area.
<http://www.heraldnet.com/article/20141212/NEWS01/141219701>

Another example is a recent marijuana auction in Prosser. The producer in Prosser was hoping to make \$1 million from the sale of approximately 300 pounds of product but ended up selling approximately \$600,000.00 worth to state licensed retailers and processors throughout the state. The owner of the business said he held the auction to, "get rid of it all

quick.” The following is the link to that story.

<http://www.tri-cityherald.com/2014/11/15/3262283/the-high-life-pot-auction-earns.html>

As more of these stories surface in the media with real dollar value numbers, there will be more potential for serious criminals both inside and outside the state of Washington taking note of potential targets. In addition to having large amounts of marijuana on site at production facilities, they may also have large amounts of cash on site.

With the passing of I-502, the consumption of illegal marijuana is most likely at its highest which would make stolen marijuana easier to sell. With the retail price of marijuana being significantly higher than black market prices, frequent users will continue purchasing through their illegal sources. I have not heard any recent stories of law enforcement personnel going into an average marijuana user’s home and asking them to provide a receipt from a licensed retailer for the marijuana they have.

In addition to considering safety and security relating to recreational marijuana facilities, I would like to pose the question to the county commissioners and other county employees, what is your vision for Skagit County in the future? When reviewing my Property Tax Statement and seeing the Tax Distribution that goes to Skagit County, I consider myself a business partner with the county. So when considering the future of Skagit County, what type of business partners do you want to have.

There will be business partners like the recreational marijuana producers next to us, who have not even harvested their first recreational marijuana crop and are already in county code violation. They have let what their business plan describes as a “guard dog” run loose through the neighborhood and eventually it killed one of our ducks on our property. This incident was recorded as part of County Sheriff case number 1403913.

They have painted threatening messages on black plastic that surrounds their grow area that faces other neighbors that are opposed to marijuana production in the community. These and other examples not mentioned demonstrate their complete disregard for the concerns and property rights of those that have adjoining property with them and others in the community.



On the Friday following the January 6, 2015 Public Hearing for the Interim Ordinance on Marijuana Facilities I noticed an obscene message on the bottom of the back window of the

car that my wife took to the Public Hearing. It is hard to see in the photo below of our car's rear view mirror, but the message written with a clear substance says, "Dicks". Since we have not been to a Dicks hamburger restaurant for quite some time, it was unlikely an advertisement for the restaurant. While driving personal vehicles for close to 26 years, I have never had obscene messages written on my vehicles, so a random individual doing this is also unlikely.

We interpret the message as being a form of intimidation and retaliation by someone that was opposed to the Interim Ordinance and did not agree with the statements that my wife and I made at the Public Hearing.

When discussing intimidation and retaliation, it should also be taken into consideration how many people that are in opposition to marijuana production in Skagit County are not going public out of fear of retaliation from those in support of the marijuana industry.

The individual that wrote the message on our window is most likely in support of marijuana production in Skagit County and an example of what type of Skagit County business partner they would be.

In contrast, you have business partners like the private business owners that have jumped through every legal hoop imaginable to be able to conduct business in this county. They are the hard working tax payers that are willing to follow the county codes necessary to operate their businesses.

For the vision of Skagit County, which business partners do you want to draw into the county and which do you want to push out. In Whatcom County an emergency moratorium relating to recreational marijuana was issued February 11, 2014. In Snohomish County a similar moratorium was issued October 1, 2014. The following hyperlinks are for news stories with details on the other counties moratoriums.

<http://q13fox.com/2014/02/11/whatcom-county-puts-60-day-moratorium-on-pot-business-applications/>

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With Skagit County being the last county along the I-5 corridor north of Seattle issuing a recreational marijuana moratorium, what message is sent? Does Skagit County's delayed moratorium draw in more recreational marijuana businesses and push out potential and existing property owners not associated with recreational marijuana.

What type of communities do you want in Skagit County? When a community's most serious issues are obscene messages on car windows and ducks getting killed, it is a community worth preserving.

My six year old son recently made the statement, "I want it to snow for two reasons, one so I can play in it and two so it will be cold for the pot grow." Are these the kind of statements we want to be hearing from the children of Skagit County as the process of legalizing marijuana continues.

My wife and I dreamed of our children graduating from Burlington Edison High School. Since the recreational marijuana production business has moved in next door and as a result of the

events that have transpired since, that dream is fading fast.

Since the Public Hearing for the Interim Ordinance on Marijuana Facilities on January 6, 2015, I have learned that the marijuana production facility at the neighboring property has been issued an Administrative Order to Abate Violation. The violation is recorded as Case Number CE14-0158. Relating to a statement I made at the January 6, 2015 Public Hearing, I wanted to add that the Administrative Order to Abate Violation appears to be worth much more than the paper it is written on.

Regardless of whether or not my wife and I along with our children continue to be property owners in Skagit County, I wanted to continue to encourage the Skagit County personnel to keep up the good work.

Interim Ordinance on Marijuana Facilities Written Comment 1/24/15

RECEIVED

My name is Larry Hurlimann and I live at 3401 Old Hwy. 99 N. Burlington.

FEB 05 2015

SKAGIT COUNTY
PDS

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From: [Julie Jarmilowski](#)
To: [PDS comments](#)
Cc: [Julie Jarmilowski](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Monday, February 02, 2015 1:30:02 PM

Date: February 2, 2015

From: Julie Jarmilowski
PO Box 741
Mount Vernon, WA 98273

To: Comments on the Interim Ordinance on Marijuana Facilities
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Subject: Interim Ordinance on Marijuana Facilities

I am writing to ask that you consider rescinding the moratorium on marijuana operations in Skagit County.

I understand this new cannabis industry is fraught with unknowns that might justify the county to take a position of "let's just wait and see where this winds up". This attitude, however, will significantly handicap anyone attempting to start a cannabis business in Skagit County, and it will significantly diminish possible revenue the county could capture from these businesses. This is a very competitive industry. Consequently, those individuals who start beginning their businesses first will have an advantage.

Let us first focus on job creation as a benefit for Skagit County. Consider a Tier 3 Producer/Processor. Once fully licensed and operational an operation should create between twenty-four to twenty-eight full time jobs. Eight to ten of these jobs will be professional levels with salaries in the \$50 - \$80k range. The remaining fourteen to eighteen jobs will be manufacturing jobs with salaries in the \$32 - 50k range. While cannabis cultivation is complex it does not require formal education and can easily be filled from within the existing community work pool.

Above personal income numbers apply only to those generated internally from a fully functioning facility. They do not include salaries and income generated by local business as part of the purchase of land, building of a 40,000 sq foot building and maintenance of a facility.

Secondly, consider the revenue for the city and county. While this number is unknown, it has the potential to be significant. At a minimum, there are monies from sales tax, B&O tax, property tax and a to be determined share of the 25% excise tax.

I am concerned that those attempting to start cannabis businesses in Skagit County will become discouraged and petition to move to alternative out of county locations. It is understandable that the board feels it important to respond to the concerns of rural homeowners; however, the benefits to the entire county business and citizen community should be considered.

Enclosed cannabis businesses should not have a negative impact on the community. Indoor cannabis grow facilities will be modern state of the art construction mandated by statutory regulations and the State of Washington. Owners and investors demand that they operate strictly according to the law. They are highly regulated, monitored and secured. Internal cannabis operations are tightly regulated by existing laws, strictly monitored by law personnel, and stringently secured in accordance with state regulations. No investor will tolerate infractions of regulations and the law.

Thank you for your consideration.

Sincerely,

Julie Jarmiolowski

From: [Lori Lindsay](#)
To: [Commissioners; PDS comments](#)
Cc: lorilindsay43@gmail.com
Subject: Meeting request
Date: Thursday, January 22, 2015 10:01:37 AM
Attachments: [letter_to_neighbors.htm](#)

I am writing to you today to request a meeting with Lisa Janicki (or all 3 commissioners) to discuss the Skagit County Marijuana Moratorium. I understand the commissioners are receiving pressure related to Cannabis legalization and where to find the balance between individual rights to grow and develop a business vs individual objections. I don't envy the position you are in but want to introduce myself and let you know what we are about. Marijuana legalization is challenging, as you know, for a number of reasons. Conflicting opinions as well as the discrepancies between Federal and State law. Those of us who have moved forward to tackle this issue are on the forefront of this controversy, but we are also the ones who have done the most research and really understand this issue from a broad perspective. I personally had to overcome my own prejudice against Marijuana when my mother was ill and needed something other than narcotics for her pain as the secondary complications of the narcotics prescribed caused her difficulties that cannabis did not. It forced me to really look at the issues and the history behind this plant and realize that there have been a number of high level agendas at play to keep this plant illegal on a federal level.

I also recognize that many have not done the research that I have and are driven by fear and years of false information that they don't know is false.

We have made every effort to be kind, ethical and accountable in all we are doing. We truly want to contribute to this community and have a number of ideas for how we can do that moving forward if we are allowed to grow our business without the chronic barrage of false complaints. We do not live in a neighborhood. We have owned our 5 acres, zoned for agricultural use, since 2005. There are 5 homes including ours covering almost 20 acres. It is an appropriate place to grow with some safety features built in based on location.

I feel frustrated that our neighbors have chosen to use (abuse in my opinion) the public system rather than engage in conversation with us. I believe citizens have a responsibility to address one another in an adult fashion prior to engaging government agencies. I am including a copy of the letter I sent out to my neighbors this summer when I found out they were upset. I received no response from them, just more agencies showing up at my gate. I look forward to discussing this issue with you on a professional level to help you understand our motivations and commitment to integrity and community prosperity.

Thank you for listening.

Lori Lindsay
Flower of life farms
503-828-2634

From: Lori Lindsay [lorilindsay43@gmail.com]
Sent: Monday, December 22, 2014 6:19 AM
To: Lori Lindsay
Subject: letter

Monday, August 4, 2014

Dear Neighbors,

By now I am sure you are aware that we have been working with both the State and County towards our I-502 license. We have shared this property line with most of you for nearly 10 years and wanted to share our thoughts and intentions with you to help answer some questions you might have.

We were introduced to some of the many health benefits of Cannabis approximately 6 years ago by a physician friend who used it on his patients. We did considerable research and were then able to use this medicine to make Lori's mothers final years more comfortable. Prior to this however, we had some preconceived notions about Cannabis and had not seen people use it responsibly. We therefore recognize that some of you might have reservations about us growing here.

We tried for several years to sell this property but decided in 2010 that this is where we wanted to be for our future. We have been working ever since to try to get back to our land and to use it as some kind of sustainable living source. It is zoned for agricultural use and that is what we are planning to use it for.

The voters in Washington State passed I-502. As it turns out, our property fits the parameters for growing Cannabis. Our past Medical growing experience and our Masters level education qualify us to grow this product and start this business safely and responsibly which is what we have been working on.

The State has specific requirements for I-502 license compliance which includes an 8-foot fence and visual barrier. As I am sure you have noticed, we have erected this fence and barrier and would welcome feedback from you as to how we can help make it the least intrusive visually. We thought black cloth would blend into the background most effectively while still meeting the state's requirements.

As outlined in our business plan, we value relationships over all else and want to model strong and ethical business practices in an industry that needs good leadership. While we are certain that this will be a financially viable business, that is not our primary motivation. We have spent the last 25 years working for other people, often 60-80 hours per week, yet not really feeling like we are getting ahead or living our lives to the fullest. With this opportunity comes the ability to work together on our own farm to seek independence and eventually create jobs that will benefit our community as a whole.

We value you as neighbors and want to have good relationships and peaceful coexistence. We are looking forward to being able to integrate and contribute to our community as permanent, local, citizens and hope to work with you moving forward to build our community cohesiveness.

If you have any questions or would like to talk with us further about our plans please don't hesitate to call. We want to be open and honest with all of you about our business. We will be using only sustainable, organic, growing practices and will be ethical in all of our actions. We are committed to that.

Sincerely,

Paul and Lori Lindsay
503-828-2634

p.s. Here is a link to a documentary about the medical benefits of Cannabis. The neurosurgeon correspondent, Sanjay Gupta MD, who developed this documentary in 2013, initially came out strongly against medical marijuana but did his own research and discovered what we hear on the surface is not necessarily accurate. <http://www.youtube.com/watch?v=B4GUkzTnFG0> is a video link to his first documentary. Despite not being as commercially marketable, we plan to grow the strain he is speaking about because we truly believe in the benefits of this product.

From: [Debra L. Nicholson](#)
To: [Debra L. Nicholson](#)
Subject: FW: Meeting request
Date: Monday, January 26, 2015 10:32:23 AM

From: Vicky Gonzalez - Commissioners' Office **On Behalf Of** Commissioners
Sent: Monday, January 26, 2015 7:01 AM
To: 'Lori Lindsay'; Commissioners; PDS comments
Cc: lorilindsay43@gmail.com
Subject: RE: Meeting request

Ms. Lindsay,

On Friday, January 9, 2015, Planning and Development Services issued an administrative order to abate the public nuisance caused by the code violations at your production operation. The deadline for appeal of that order to the Hearing Examiner was Friday, January 23, 2015. If the matter is appealed, the Board of County Commissioners sits as judges in quasi-judicial proceedings and must follow the Appearance of Fairness Doctrine and it would not be appropriate for the Commissioners to meet with you until all appeals have been resolved.

If you would like to provide comments, please follow the instructions below:

How to Comment

The Board of County Commissioners held a **public hearing** on the interim ordinance on January 6, 2015, and continued the public hearing to Tuesday, February 3 at 10 am and continued the written comment period until Thursday, February 5 at 4:30 pm.

Comments are accepted via email or on paper. All comments must be received by the deadline and include (1) your full name, (2) your mailing address, and (3) the name of the proposal ("Interim Ordinance on Marijuana Facilities") in the subject line. Comments not meeting these requirements will not be considered.

Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us. Include your comments in the body of your email message rather than as attachments.

Paper comments must be printed on 8½x11 paper and mailed or delivered to:

Comments on the Interim Ordinance on Marijuana Facilities

Planning and Development Services

1800 Continental Place

Mount Vernon WA 98273

You may also comment in person at the public hearing at the Commissioners Hearing Room, 1800 Continental Place, Mount Vernon. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

Respectfully,

Vicky Gonzalez (ext. 3116)

Administrative Coordinator

Administrative Services

Skagit County Commissioners' Office

1800 Continental Place, Suite 100

Mount Vernon, WA 98273

☎ (360) 336-9300 📠 (360) 336-9307

vickyg@co.skagit.wa.us

From: [A Link Link](#)
To: [PDS comments](#)
Subject: Medical Cannabis
Date: Friday, January 30, 2015 5:50:26 PM

Hello Skagit County Commissioners,

I am a 58 year old woman who is recovering from breast cancer. I have done surgery, radiation and am currently on a hormone for 5 years to help with my survival. I have chosen to augment my treatment with a well researched and thoughtful regiment of supplements as well. Cannabis oil is one of my most important alternative supplements. I have healed very well with its help and hope that the anti-tumor properties will keep me out of a repeat visit. I am quite healthy and disciplined in my lifestyle but I need help. The smoking form of cannabis has been important at different points during treatment when nausea and anxiety were really interfering with my ability to survive and thrive. I have worked all during this time, quite happily, but without the help of this medicinal plant I would have suffered to a much greater degree. I am stage 1, the people in the more advanced stages should NOT have these humane options taken away any more than I. It is sadly ironic that now at long last we have gotten cannabis legalized recreation-ally and the MONEY is calling, so the medical, the most important application of this plant, is now endangered. Sounds like the power of the pharmaceutical companies may try and ruin this godsend for all who are combating disease and chronic conditions. Please do not be fooled with rhetoric. Your people, perhaps even you as individuals (1 out of 3) may benefit from the various forms of medical cannabis. It has been hard to afford and sometimes even find the best options, if the medical facilities are limited in their product we will all suffer needlessly. The medical facilities that I support are filled with knowledgeable and compassionate individuals who are educated on the various products and what one can hope to experience healthfully. Please support this wonderful infant industry that marries a clean farming business with a medicinal plant product. Skagit County is the perfect place to support this multifaceted industry. Thank you for your support of the health of your fellow citizens.

In health
Amy Link

--

"Wisdom begins with wonder"
Socrates

From: [Steven Lospalluto](#)
To: [PDS comments](#)
Subject: interim ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 6:23:11 PM

Dear Skagit County Commissioners,

I support the proposed interim ordinance on marijuana facilities in Skagit County. Although I also support the legal production and use of marijuana, I think these regulations will help mitigate potential problems in residential areas.

I live near one of the neighborhoods currently being impacted by a marijuana production facility. Although we live in an area zoned as Agricultural-NRL, parts of Dunbar Road are definitely residential. The facility is located on a small one acre parcel. The tall security fencing on the property lines, multiple security cameras, extensive greenhouse lighting and strong odors from marijuana processing are definitely impacting the nearby properties and privacy of neighbors. It's also apparent that this facility is going to negatively impact property values.

The proposed setbacks from other residences of 250 feet for the greenhouses and 100 feet for processing structures and a minimum lot size of 5 acres seem like reasonable regulations.

These should still allow serious agricultural producers to enter the marketplace. I think it is a good compromise to move forward until more analysis of the impacts can be made, and the legislature deals with harmonizing statutes for medical and recreational marijuana.

Thank you.

Steven Lospalluto
16586 Dunbar Road
Mount Vernon, WA 98273

From: [Rufus Lund](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Tuesday, January 27, 2015 4:19:59 PM

Planning and Development Services

Re:Miller Marijuana Farms, 5735 Homestead Lane, Anacortes, WA, Guemes Island

From George Lund
5513 Homestead Ln
Anacortes, WA 98221

I favor continuing the moratorium while the regulations allowing marijuana growing are developed to reflect the preservation of rural residential neighborhoods and to prevent the almost industrial quality of greenhouse plant production these farms exhibit. An electrified fence with surveillance cameras surrounding greenhouses lit up with grow lights, even screened in the midst of 10 acre parcel restricted to one family residence, is surely inappropriate and unintended by the county planning process. The Miller Farm facility negatively impacts the neighbors and is inconsistent with both the idea of a neighborhood and of farming. It is much more of a commercial or industrial agriculture operation and should be located in an area of compatible use.

Additionally, I object to the potential of such a facility depleting the local island aquifer.

From: [T McNeil](#)
To: [PDS comments](#)
Subject: comment
Date: Wednesday, February 04, 2015 6:26:01 AM

Marijuana facilities should not be located near residential areas.

Terry McNeil
16750 Warren Street
La Conner, WA 98257

From: [Joseph Miller](#)
To: [Ryan R. Walters](#); [PDS comments](#)
Subject: Guemes Island Tier Three License
Date: Wednesday, February 04, 2015 7:43:32 AM

Ryan,

After his conversation with you yesterday, Gary Davis asked me to send you this link to the marijuana production and processing licenses issued November 18, 2014 to Miller Marijuana Farms, LLC for an operation on Homestead Lane, Guemes Island.

<http://www.bls.dor.wa.gov/LicenseSearch/lqsLicenseDetail.aspx?RefID=1824643>

Even if Miller Marijuana Farms wanted to grow marigolds, the sheer size of this operation (10,000-30,000 square feet of plant canopy) would be an alarming change of character in an area zoned Rural Reserve, let alone on an island with constrained water resources.

Joseph Miller

From: [Roger Mitchell](#)
To: [PDS comments](#)
Subject: [Spam] Written Comment - Interim Ordinance
Date: Thursday, February 05, 2015 3:31:45 PM

Written Comment

Roger Mitchell, 1155 Chuckanut Ridge Drive, Bow, WA 98232

BoCC Public Hearing on Interim Ordinance Regarding Marijuana Grows

Dear Commissioners,

I support the Interim Ordinance pertaining to marijuana grows.

Just a few weeks ago, Colorado Governor Hickenlooper said legalizing marijuana “was a bad idea”. He said that because of the unintended consequences.

In my opinion, passing I502 was a mistake, it was poorly written, and we are now beginning to see the unintended consequences here in Skagit County.

I don't envy you for the decision you will have to make on this issue. There has been too much emotion and not enough actual facts.

Please do not be drawn in by emotional statements by some *medical* marijuana users and those reprehensible recreational hedonists that would exploit the pain and suffering of others.

Any patient with legitimate medical justification can get a physician to prescribe one of two clinically proven, FDA approved pharmaceuticals, *Marinol* and *Cesamet*. Both of these ethical pharmaceutical prescription products are manufactured from actual or synthetic marijuana.

Legitimate medical patients that may benefit from medical marijuana comprise 0.36% of the nations population. Access to FDA approved prescription, *marijuana-based* drugs is available to all legitimate patients.

There are a number of unintended consequences that affect the *public safety* of every Skagit citizen:

<!--[if !supportLists]--> <!--[endif]-->A 25% increase in *Washington* drivers testing positive for marijuana

<!--[if !supportLists]--> <!--[endif]-->The American Journal of Epidemiology reporting“ cannabinoids have been the most prevalent drug other than alcohol detected in fatally injured drivers.”

<!--[if !supportLists]--> <!--[endif]-->Colorado records show traffic fatalities for drivers testing positive *only* for marijuana *increased* 114% while traffic

fatalities, overall, *decreased* by 16%

<!--[if !supportLists]--> <!--[endif]-->Recent national emergency room statistics show marijuana reported in 374,000 visits; 13% of those were children

<!--[if !supportLists]--> <!--[endif]-->Marijuana-related calls to Poison Controls Centers in Washington and Colorado have spiked since legalization. Many involve young children.

A number of people, some represented by legal counsel, have whined about the amount of money they've invested in a marijuana grow business and that the County has now "changed the rules". These are specious arguments and should not be considered.

When someone chooses to start a business there is equal *opportunity* to do so but *there is no guarantee of success.*

Government, at all levels, is constantly adding new laws, regulations, and rules that businesses must comply with. Cars haven't always had seat belts, since 1982 lawnmowers require many safety features, and numerous Skagit dairy farms have gone out of business due to rules and regulations. All these examples concern public health and safety. Some manufacturers/farms adapted to the new regulations and survived; other couldn't, or didn't, and now they're gone. Adding new rules and regulations for marijuana grows in Skagit County is no different.

Starting a marijuana grow business was a *choice*. The main reason we're having this discussion is because *owners of properties adjacent to marijuana grows were never given a choice.*

I'm not from here, originally. We could have moved anywhere but we chose to live in Skagit County. I've always been proud to extol the famous virtues of our adopted location – tulip fields, excellent potatoes, seed crops, timber, boat building, and high tech manufacturing to mention a few. Without a permanent moratorium on marijuana grows all Skagit County will become known for is the easiest place to score pot.

We have laws, regulations, and rules and we have spent billions of taxpayer dollars to protect fish, wildlife, wilderness, etc.; can we not protect family neighborhoods ?

Thank you

From: [Armin and Beverly Mohr](#)
To: [PDS comments](#)
Subject: Fw: interim ordinance on Marijuana Facilities
Date: Friday, January 02, 2015 2:33:13 PM

On Friday, January 2, 2015 1:21 PM, Armin and Beverly Mohr <abmohr@yahoo.com> wrote:

My name is Armin Mohr at 17140 Dunbar Road, Mount Vernon, WA 98273.

I am expressing my opinion on the marijuana grow operation on the corner of Dunbar Road and Dunbar Lane.

My first concern is having an established Marijuana growth operation in the middle of a residential community. A major concern is that the marijuana grow operation at the above-named location has been allowed to be established in spite a number of code violations. Multiple code variances have allowed the present operation (stated above) to become established. Despite the fact that the commissioners have now established a moratorium, this present operation is now established and some how is now legal and exempt. That status is not acceptable.

My understanding is that a marijuana grow operation with a security fence needs to have a 250 foot set back from any residence not owned by the facility operator. That set back does not presently exist and the present operation has an opaque security fence that is so high that it does not apparently meet code for this residential neighborhood.

School buses drop off students in close vicinity to the marijuana grow operation and that does now seem to me to be a good mix.

Finally, I understand the similar marijuana grow operations in neighborhoods close to Mt. Vernon, have resulted in the a drop in the assessed value of residential properties surrounding the marijuana grow operation. With the amount agricultural land in Skagit County, it seems unnecessary and unwise to locate marijuana grow operations in well-established residential neighborhoods.

Thank you,
Armin Mohr

From: [HM](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 2:17:29 PM

To Whom It May Concern

Monday, January 5, 2015

I am writing to you as a Westside neighbor on Barrett Road. I have serious concern for this Marijuana Grow operation that has started up on the corner of Dunbar and Dunbar Lane. First I need to let you know I fully support the Interim Ordinance on Marijuana Facilities that has been proposed. Daily I walk by this corner house as do many other neighbors. For years, that corner has been the pick up sight for students attending the Mount Vernon School District. This year there are no students, but that can change overnight. This is a neighborhood. Families are here raising their children. We all ask you to look at this matter and ask yourselves, "What if I were neighboring this", how would I feel.

I'm sorry I can not attend this meeting today, but again want you to know that I fully support this Interim Ordinance.

Thank you so much for the hard work you are doing . You can reach me at the number below.

Sincerely,

Henrietta J. Moseley
15203 Barrett Road
Retired Mount Vernon Teacher
202-6981



Jan. 5, 2015

Skagit County Board of Commissioners
1800 Continental Pl.
Mount Vernon, WA. 98273

Subject: Interim ordinance on Marijuana Facilities

Dear Sirs and Madam,

We are writing this letter to express our concerns about the issue of a residence in our neighborhood at the corner of Dunbar Rd. and Dunbar Lane that is growing and processing marijuana.

Along with many of our neighbors we have been discouraged seeing a fence go up that does not meet County code, the strong odor of marijuana processing that many neighbors have experienced and surveillance cameras directed at neighboring properties. We are very concerned about property values dropping and mostly the safety of our area. Even though we are rural residential there are many families including children on this road. The bottom line is we believe residential neighborhoods are not an appropriate location for marijuana growing and processing. As the city of Mount Vernon has done, we respectfully request that you would block any marijuana businesses from being established in residential areas.

We urge you as our elected representatives to very carefully consider and plan with a long range vision for our valley in mind as you deal with this issue of legalized marijuana in our state. Thank-you for your time and service as our commissioners.

JoAnn Mary Nurmi
17039 Dunbar Rd.
Mount Vernon, WA. 98273

Sincerely,

A handwritten signature in black ink, appearing to read "JoAnn Mary Nurmi".

From: nurmi50@comcast.net
To: [PDS comments](#)
Subject: We support moratorium, no marijuana growth in residential neighborhoods
Date: Thursday, February 05, 2015 4:06:40 PM

To the Skagit County commissioners,
We support the moratorium in place concerning marijuana growth in residential neighborhoods in Skagit County. Our neighborhood has already experienced many very negative results having a growth facility situated next to several homes. If this moratorium is lifted there could potentially be many neighborhoods dealing with growth facilities right next door. There are many sites in open space and industrial areas that would be much more suitable and not affect individual homeowners. We respectfully ask that you look at the long term affect that this zoning will create and thank-you for the opportunity to voice our concerns. Sincerely, Victor L. and JoAnn Nurmi 17039 Dunbar Rd. Mount Vernon

From: [D. Padovan](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Thursday, February 05, 2015 3:12:31 PM

I have several concerns about adverse impacts of a commercial marijuana farm on Guemes Island.

1. Apparently a commercial marijuana farm would have a large irrigation requirement. We cannot afford to have groundwater on Guemes withdrawn for irrigation. Guemes Island has a very limited aquifer which provides the only fresh water source for most of the Guemes population. My well currently occasionally goes dry during the summer when the water table is low. We already have salt water contamination of the ground water on parts of the island and reduced hydrologic pressure resulting from increased ground water withdrawal could speed the spread of this salt water contamination on Guemes.
2. Marijuana is another non-indigenous weed (from southeast Asia) which we do not need to have established on Guemes Island. The presence of a commercial farm would probably result in its spread to the surrounding area.
3. Anticipated heavy fertilizer and pesticide use on commercially grown marijuana would probably inevitably result in ground water contamination.
4. Apparently theft has been a major problem associated with marijuana cultivation. The potential impacts of additional security requirements and increased criminal activity should be considered.

Dennis Padovan
6021 South Shore Road
Anacortes, WA 98221

From: [Kathleen Phillips](#)
To: [PDS comments](#)
Subject: Guemes Island Tier 3 Marijuana Farm
Date: Sunday, February 01, 2015 11:16:08 AM

As an island resident and property owner of 35 years, I am greatly concerned about having a fairly large marijuana growing operation on our small rural island. I am one of those who voted in favor of legalizing marijuana, but I am opposed to it being grown on Guemes Island because of our fragile water source and the lack of regular (in fact, nearly non-existent) law enforcement presence. Thank you for your consideration of this matter.

Kathleen Phillips
7614 Cypress Way & 7035 Holiday Blvd.
Guemes Island

360-299-0068

From: pleas1941@aol.com
To: [PDS comments](#)
Cc: [Commissioners](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Wednesday, January 07, 2015 2:49:03 PM

January 7, 2015

Skagit County
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Subject: "Interim Ordinance on Marijuana Facilities"

There is a marijuana business located on the West side of Mount Vernon called "Green Peace". It is located on Memorial Highway less than a mile from our home.

There is a growing operation (of what we are not sure) located 2 properties from our home to the East and adjoins our property to the South located on Dunbar Road. A fairly recent 6' to 8' fence was placed around the facility. At this time, it is highly suspicious of being a marijuana growing operation.

Another growing operation is located approx. 1500 feet to the West of us on Dunbar road. It is being said that it is a marijuana growing operation also.

Then there is the marijuana outlet located at Hwy 20 and Avon Allen Road.

Another marijuana outlet is located South of Mount Vernon near the Bony Pony business and boasts a sign stating they have marijuana and you must be 21 years of age.

All of this in short distances to my home and I can only imagine at this time how all of this is going to affect my property values. We eventually won't even be able to give our home away!

I fear the area is about to be filled with more serious crime, many more addicts and a reputation of being nothing more than a drug outlet.

What would be so hard as to back step and put in a NO TOLERANCE LAW in this County?

Please take longer to analyze what the serious potential might be to our children and to the reputation of our beautiful Skagit County. What are we giving up for the all mighty dollar?

Melvin D. Pleas

17550 Dunbar Road
Mount Vernon, WA 98273
Phone: (360) 987-8210

Cc: Skagit County Commissioners (3)

From: pleas1941@aol.com
To: [PDS comments](#)
Subject: "Interim Ordinance on Marijuana Facilities"
Date: Monday, January 05, 2015 12:48:13 PM

January 5, 2015

Skagit County
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Subject: "Interim Ordinance on Marijuana Facilities"

My name is Patricia Pleas. I am a resident and a registered voter of Skagit County. My residence is West of Mount Vernon at 17550 Dunbar Road, Mount Vernon, WA 98273. My phone number is: (360) 630-0420.

A note:

When voters passed the law that legalized marijuana in our State of Washington many were under the impression that very few locations would be selling marijuana. I personally thought I understood that "growing" operations would be extremely limited in the state. Now I feel the voters were taken advantage of and not given the full truth of what would happen with the passage of the law. It certainly was not clear.

The amount of visible "green crosses" signaling a marijuana operation or business throughout Skagit County is overwhelming and somewhat frightening. Then, when you see how many are located throughout our state it becomes extremely concerning.

I wish to write to you about my concerns regarding Marijuana growing operations in Skagit County and also marijuana sales operations in the County. My biggest concern: the number of businesses or grow operations.

I am especially concerned with growing operations or businesses in residential areas. One operation is being located at the corner of Dunbar Road and Dunbar Lane. This is much too close to families and homes. There is absolutely no excuse for this and should not be allowed by Skagit County.

My home on Dunbar Road is a 25 mph residential zone. This road is already violated by speeding cars day and night due to lack of traffic enforcement. Increased traffic has already begun with trucks carrying supplies or product to the Dunbar facility. This is not acceptable. Any increased traffic is not acceptable!

School buses and children use this road.

We fear for the safety of our children and all residents living on and using this road for many

reasons. I am certain you can understand. This entire area contains family neighborhoods with people walking their dogs, walking with their children in strollers and riding horses and bicycles. The increased potential of serious criminal activity is of great concern along with traffic concerns.

Please, please do not allow marijuana to be grown or sold near our residential neighborhoods, whether in the city or in the county. There should be a “no tolerance” law in Residential areas. We are concerned for our families, young and old alike.

Patricia (Hanstad) Pleas
17550 Dunbar Road
Mount Vernon, WA 98273
Phone: (360) 630-0420

From: [Reep, David](#)
To: [PDS comments](#)
Subject: MJ farms are NOT appropriate for residential neighborhoods, especially next to a school bus stop.
Date: Tuesday, February 03, 2015 6:59:22 AM
Attachments: [image001.gif](#)

To whom, I support the moratorium. Please keep residential areas free from growing and processing pot.

David Reep

Vice President
Financial Advisor
Private Wealth Management
Robert W. Baird & Co Inc.
3110 Commercial Ave. Suite 102D
Anacortes, WA 98221
360-419-4880
Toll Free: 855-885-5800
dreep@rwbaird.com



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From: [Sue Rindal](#)
To: [PDS comments](#)
Date: Thursday, February 05, 2015 8:01:50 AM

We support the moratorium on marijuana growing and processing. We believe residential neighborhoods are not an appropriate place for these businesses to operate. We are seeing the adverse effects they are already having on our neighbors. Protect our neighborhoods, our children and families as well as our privacy from surveillance cameras.

Doug and Sue Rindal
15416 Sunset Lane
Mount Vernon, WA 98273

From: [Hal Rooks](#)
To: [PDS comments](#)
Subject: Comments for Marijuana Moratorium Hearing, Jan 6 2015
Date: Tuesday, January 06, 2015 7:41:14 AM
Attachments: [comments re County MJ Moratorium hearing. FINAL. 1.5.2015.docx](#)



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

www.avast.com

January 6, 2015

Skagit County's Marijuana Moratorium: Comments by Guemes Island Planning Advisory Committee

Good Morning. My name is Hal Rooks 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 implementation of the Guemes Island Subarea Plan.

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.

Guemes Island also has been designated as a Category I Aquifer Recharge Area. This designation reflects the need to provide special protection due to specific pre-existing land uses, or because the County, State, or Federal Government has determined the aquifer needs protection from future land use that poses a risk to the quality or quantity of the aquifer (SCC 14.24.310 (1) (a)).

On Guemes, recharge of fresh water to the ground-water aquifer is primarily from infiltration of precipitation on the land surface. Recharge areas in various part of the island are at risk for contamination of the groundwater from the land surface and once the groundwater is contaminated, it is extremely difficult to get rid of the contamination. An example of contamination might be fertilizer applied to a crop.

We have questions related to a possible marijuana production and processing operation, such as has been licensed on Guemes:

- How much of our limited water supply would be used by such an operation? Specifically, would the operation rely on well water, and if so, how many gallons per day would be used? Would such a commercial well need to be specifically permitted, or could a residential-permitted well be used?
- Would there be any means to monitor the quantity of well-water use of such an operation?
- How would the "used" or waste water from such an operation be handled? Would it simply be released onto the ground, ultimately to be absorbed into the aquifer?
 - Marijuana production normally uses fertilizers on the plants, which could have a significant, negative impact by introducing nitrogen into the island's groundwater.

Waste water that contains plant chemicals is also a concern if it is released onto the ground because it is likely to eventually percolate through the recharge area into the groundwater.

In sum, we have lots of questions about the impact of a potential marijuana production and processing operation on our limited and fragile water resource. Maintenance of “rural character” is also an important goal of our Subarea Plan, and we have questions about whether there are any guidelines or requirements about how such an operation would fit into a rural environment such as we have on Guemes.

We therefore support the moratorium in the hope and expectation that the coming year will provide us with answers to the questions we’ve posed.

Thank you for your consideration.

Hal Rooks
1219 10th St.
Anacortes, WA. 98221

Dennis R Ruschmann

Thursday, February 05, 2015
1:54 AM

RECEIVED

FEB 05 2015

SKAGIT COUNTY
PDS

15238 N. Wall
Skagit County
360-333-0445
drruschmann@aol.com

First off I want to say I understand the problem over on Dunbar and up in Alger. I have talked to many of the lady's in both groups. Bottom line is that it seems to be a code enforcement problem. Easy as shutting down a construction site, RED flag them and shut them down, Just like any other job site. I think you all can fix this with out shutting down the whole county. This is a one shot deal after we all get a place to set up shop that is were the State wants us to stay. Shutting down the county is only sending 100's and 100's of good jobs some were else. As well as tax dollars. Please just work with us, so we can get locked in and up and going. I live here, I want to be a good neighbor. I will be a good neighbor.

I am not sure why you all have lumped the I-502 permits in with the medical guys. They are 2 completely different things. Night and day. With our I-502 permit we have rules, on top of rules on top of rules. The medical guys have pretty much none. They are like a wild west show, open to whatever they want to do.

As to Hazards waste. The plan for ALL of our operations to be as close to 100% utilization of every part of the plant, in turn that will keep us to pretty much 0 discharge as possible. We plan on reusing all the water and digesting and reusing all our solids waste as well. My Salmon operation runs 600 000 lbs to a 1 000 000 lbs a day. Out of that we maybe dump 2 to 3 000 gals of our rinse out water a day. It is broken down so far that it never hits the bottom but feeds the micro organisms' in the sea water. 100% used , 100% organic, NO TOXICEN . Now this pot stuff is a way smaller scale, maybe 30 lbs a day. But lets say were ran 100 lbs a day using #'s from my AK plant we would be hard pressed to generate 1gal a day of of 100 % organic, good for the environment waste. That's pretty much 0 hazardous materials needing to be dumped.

My goal here is to help cure people, not get them high. (myself June 22nd I will have 16 yrs clean and sober) . I know that I am going to have to grow some pot that will get people high, in order to keep my state permit and feed the state stores. If I have to do that to reach my end goal I am ok with that. Cuz at least this way the state has a bit of control over this pot and can help keep it away from kids, like they do with booze now. I have 110 strains right now that have very little (3.12 part per mil. to 0.01 parts per mil. of THC) that we are making into curative oils right now. I put a pic in this package, taken the other night from my desk of just a few of our oils me are all ready making. Note they are labeled, bar coded & have Lab. cert. all ready A guy could even pass a drug test using most of these oils. They are curative, no way to get high. These no THC. The U.S. military is about to approve 2 of our oils now. One for P.T.S.D. , giving the Dr.s an alternatives to opium based drugs. The other a deep tissue and joint relief cream. I am not saying this will or is a cure all. But there is not one of us I bet that don't have a family member or a friend you know that has Cancer , Seizures, Spasms, HIV/AIDS, Post Traumatic Stress Disorder, Pain, Autism, Diabetic, M.S. , & many more. I have these oils right now. On top of that , now that we can use Main street Labs, our oils are only get better and more refined to each persons needs and there Lab results. Again I am not saying this is a cure all. But if we can help save a few and improve the quality of life for our loved ones. What is that worth? Skagit county should be leading the pack, not putting our head in the ground cuz of what we don't know. Let be leaders....

Taxes 40% Of this NEW REVENUES go's to the states general fund & local budget. Not sure what that is 60% dedicated to substances abuse prevention, research, education & heath care
Again this is NEW TAX DOLLARS, never before out there tp use. All these new tax dollars are going to pay for what us tax payer are now paying for, out of some other budgets . The dope man is out there

now and we know he's not paying any tax's to help out.

JOBS - I have 12 permits lined up right now on top of mine, that I would like to set up here in (Skagit County) close to home. These 12 permits could mean 15 to 25 jobs per each permit. That 180 to 300 NEW FULL TIME YEAR ROUND JOBS, \$15 to \$18 dollars an hr to start, plus production & and I have the paper work for Insurance for every one as well. Not the greatest of pay but we are talking these same people are working jobs now for 9 to 10 buck an hr now.

Logging has been in the dumper for years and will never be like back in the day, Fishing well lets just say there not here any more. Top it off the Dairy guys are taking a bath and it's not looking very good for them either. About the only thing we harvest around here any more are potatoes and flowers. Not saying that in a bad way but for the most part both of them are seasonal jobs. The refinery are what they are, That job market is full up with lines of people waiting for any thing that come from them. We need these JOBS and we sure as heck can use the tax dollars. You can't for get all the support supplier that will be need to keep me up and going. JOBS

Lab - I have Shimadzu Scientific Instruments, want to come in with me to set up a full blown State Cert. Lab. That's 20 more jobs to start with and when we get the DNA section set up that will take the Lab up to about 50 people. Not only will this bring credibility to the county but some very good jobs.

Federal Gov. - IF you have a look see inside the new spending Bill just signed a few weeks back. In that 1600 pages, Congress quietly pushed through ending the ban on Marijuana. It all so said they are looking at Washington state for guide line, being we have the most regulated and highest taxed law ever put out there.

This is a great opportunity and a one time shot for Skagit county. To lock in this NEW INDUSTRY and these NEW TAX DOLLARS. All these NEW YEAR ROUND JOBS. Top that off with being a for runner, with great possibility of helping millions of people. Win win

All that said I am asking for your help with getting a permit for this other package I am giving you. The place is all ready a processing plant out on Dodge Valley road. Can you please have a look see to see if it works. My operation would be nothing like the mess that's out there now. Difference would be like being Friday Creek park if I could go there , and what it is now like the old Enmans garbage pit. Thanks for any help you can give me with that, It says rural reserve But look down the Assessor paper work it says , open space farm and ag. But then it is has it listed as (712LACC) Laconner/Conway INDUSRTRIAL BUILDING

Just an FYI I put down money on buy 140 000 Sq Ft of warehouse yesterday here in Skagit County. Only problem with that is they have about a year left on there lease, They will be here most of that as they are down sizing out of the county. The jobs that are there now are going away as well or out of county or just down sized out. Good thing I am trying to set up shop here in the county cuz the guy told me he had No one lined up or even a idea as to want he was going to do. That's why he is sailing it to me and happy about it.

I am sure that when booze was legalized, that it did not happen over night or a very smooth transition from the stiles up in the woods to the distilleries down town. As well I am sure not everyone was happy with it all. That said please do not lock our county out of this great opportunity. To not only do some thing good for our over all county, but to be able to be part of something great that could very well help millions of people all over the world.

Sorry for being so long winded, but I had a bit to say to you all and standing at that mic and trying to talk I get a bit off track. Thanks for your time and any help you guys can give me. If you all have any question or advice please just give me a call.

Thanks Dennis



DIABETES

AUTISM

NAUSEA

RESPIRATORY

PAIN

CACHEXIA

AGING

PTSD

HIV/AIDS

SPASM

SKELETAL

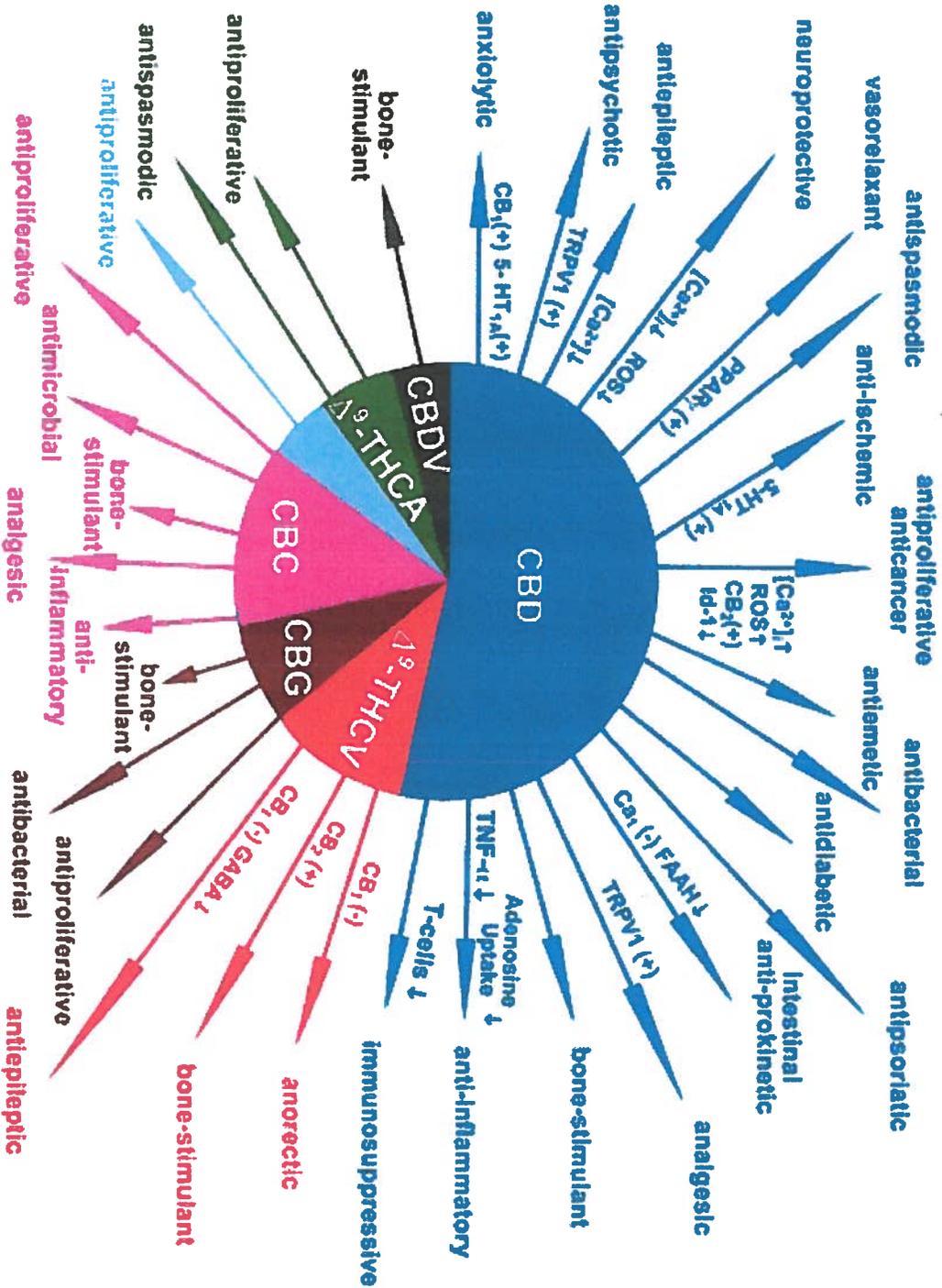
DAYTIME

SEIZURE

SLEEP

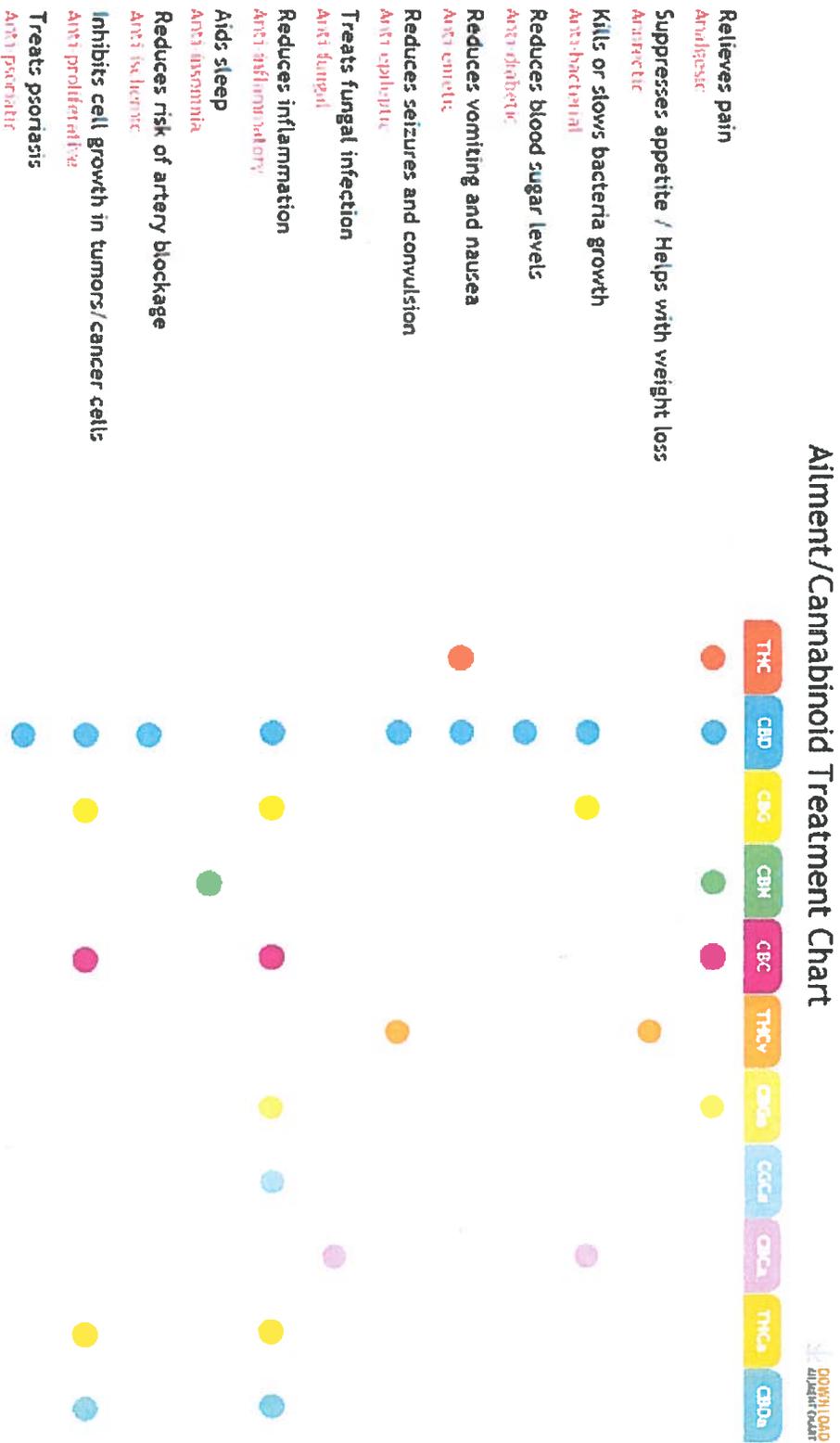
CANCER

Pharmacological Actions of Cannabinoids



Towards Personalized MMJ

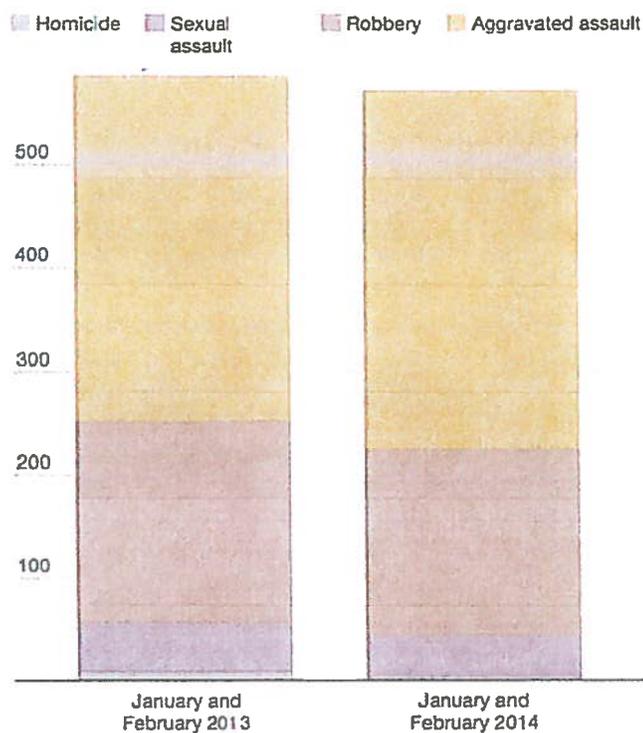
Ailment/Cannabinoid Treatment Chart



Legal, regulated marijuana means LESS crime, not more

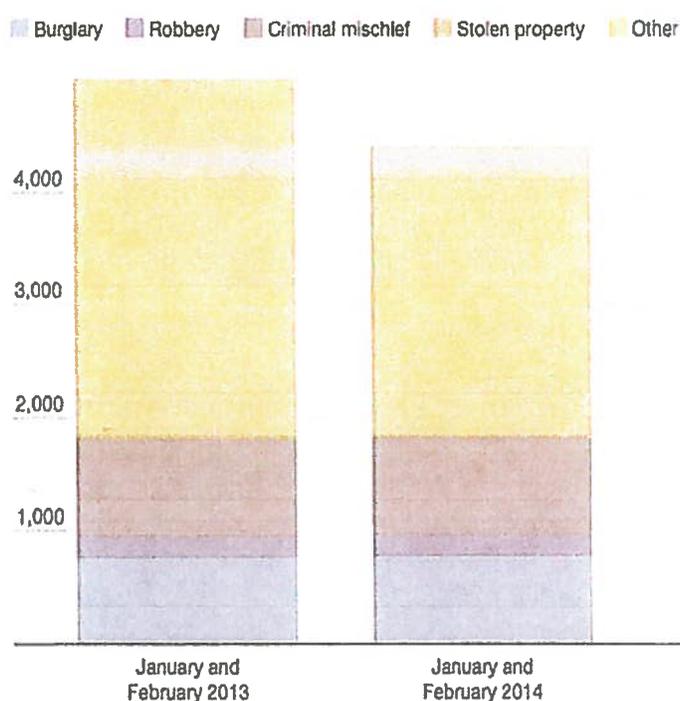
Studies of crime rates in Colorado before and after marijuana stores opened there have found small DECREASES in both violent and property crime rates, not increases. It's clear: legal marijuana doesn't produce more criminals, but it does free up the police to concentrate on truly dangerous offenders.

Violent crime in Denver



Created with [Datawrapper](#) Source: [Denver Police Department](#)

Property crime in Denver



Created with [Datawrapper](#) Source: [Denver Police Department](#)

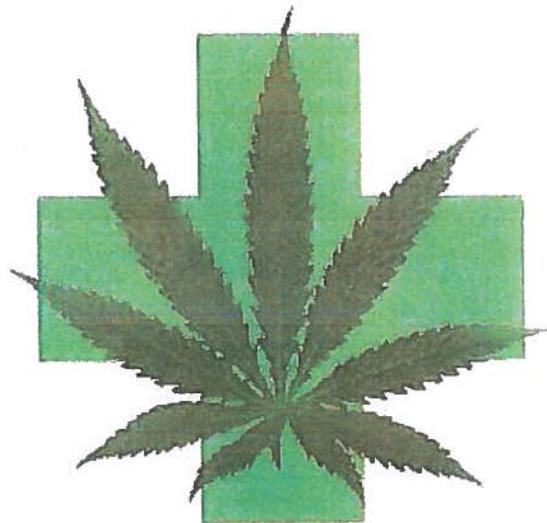
The myth is that legal marijuana means more crime. But the facts are in: allowing marijuana to be sold and regulated does not increase crime rates and might even help lower them.

Marijuana: Medicine for Many



Marijuana is not just a recreational drug—for many people, it's also vital medicine. Marijuana's medical benefits are no myth—they are numerous and widely acknowledged in the medical community. Marijuana has been shown to help with the following conditions, along with many more:

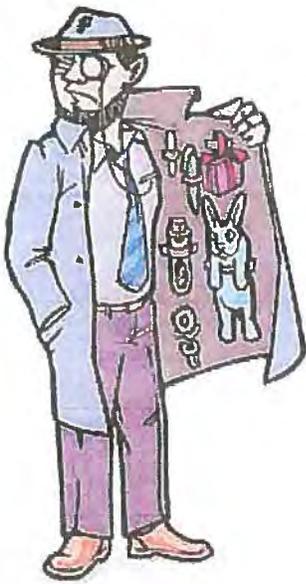
- Glaucoma
- Alzheimer's disease
- Multiple sclerosis
- Chron's disease
- Epileptic seizures
- Migraines
- Chronic pain
- Nausea
- Muscle spasms



Marijuana can get a bad rap, but to a cancer patient suffering crippling nausea from chemotherapy or a glaucoma sufferer struggling with the loss of sight, marijuana can be an invaluable tool to provide relief and help fight their disease. Millions of Americans—including members of our community—suffer from these conditions and are helped by medical marijuana.

End the black market: Tax and regulate marijuana

Banning marijuana sales doesn't mean marijuana will not be sold in our community—it just means that the sales will be on the black market. That means more danger for our children and our community.



- Banning *marijuana sales* doesn't mean banning *marijuana*—marijuana can still be purchased legally elsewhere in the state and brought here, and unfortunately, without a legal store, it will continue to be bought and sold here illegally as well.
- Black market marijuana sales keep criminals in our community and give them a means to support themselves illegally.
- If the marijuana is purchased legally and brought back here, that means other cities will collect taxes on it and we will miss out.
- Bringing marijuana sales above board and regulating them will make it harder for a minor to get access to marijuana. It's harder for a kid to get a bottle of liquor than a bag of marijuana, and that's because legalization and regulation is safer, smarter, and more effective.

Marijuana Not as Dangerous as Alcohol and Tobacco

Compared to legal drugs like tobacco and alcohol, marijuana is relatively safe. Tobacco, alcohol and even prescription drugs kill more Americans every year than marijuana -- in fact, to date, no one has ever died of a marijuana overdose. And alcohol, tobacco and even caffeine are more addictive than marijuana.

Drugs deadlier than marijuana (2010)

480,000



tobacco-attributable deaths

25,692

alcohol-attributable deaths *

16,651

prescription painkiller overdoses

16,195

non-prescription drug overdoses

0

marijuana-attributable deaths **

Source: CDC

* Listed alcohol deaths do not include indirect causes like fetal alcohol syndrome, traffic accidents and homicide.

** Listed marijuana deaths leave out indirect causes like traffic accidents



Researchers have also shown that the idea that marijuana is a “gateway drug” is a myth. More people start using alcohol and tobacco at a young age than do marijuana, and most people who try marijuana never use any other illegal drugs.

If we can regulate and sell liquor and cigarettes while making adults aware of the dangers and keeping them out of the hands of children, why can't we do the same for marijuana?

In Our Kids' Best Interest

Allowing legal marijuana sales wouldn't lead to kids getting access to pot—but it would mean a safer community

NOTICE
**NO PERSONS
UNDER 21
ALLOWED**

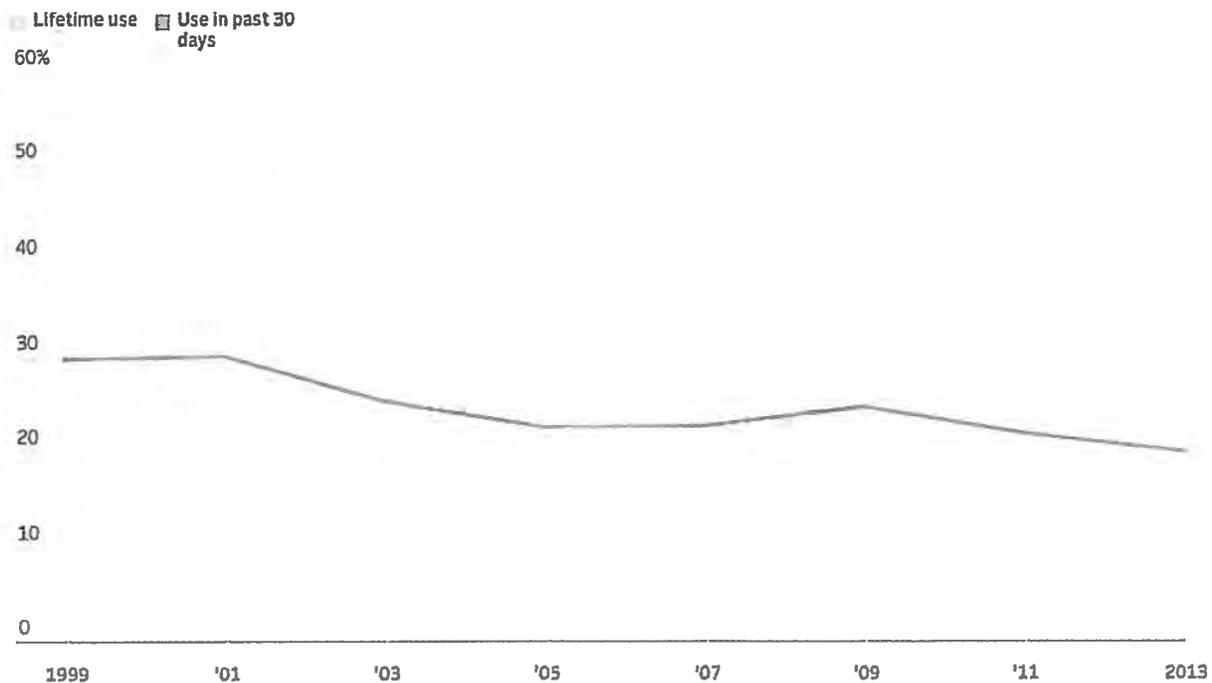
- Washington state law states clearly that no one under 21 is allowed to purchase marijuana or enter marijuana stores or to be associated in any way with a marijuana business.
- The Washington Liquor Control Board is aggressively enforcing the law on marijuana and are particularly focused on protecting kids, conducting stings to make sure no marijuana is being sold to anyone under 21.
- The last thing we want is to see children in our community endangered. By making sure marijuana is sold in stores instead of on the street, we can better keep it away from our kids and protect our community's safety.



Legal marijuana does NOT cause more drug use among minors

Colorado has seen the rate of marijuana use by high school students gradually DROP as their marijuana laws have become more relaxed (first with the institution of medical marijuana in 2001 and later the legalization of possession for adults over 21 in 2012).

Marijuana use among Colorado high school students



Source: Colorado Department of Public Health and Environment survey

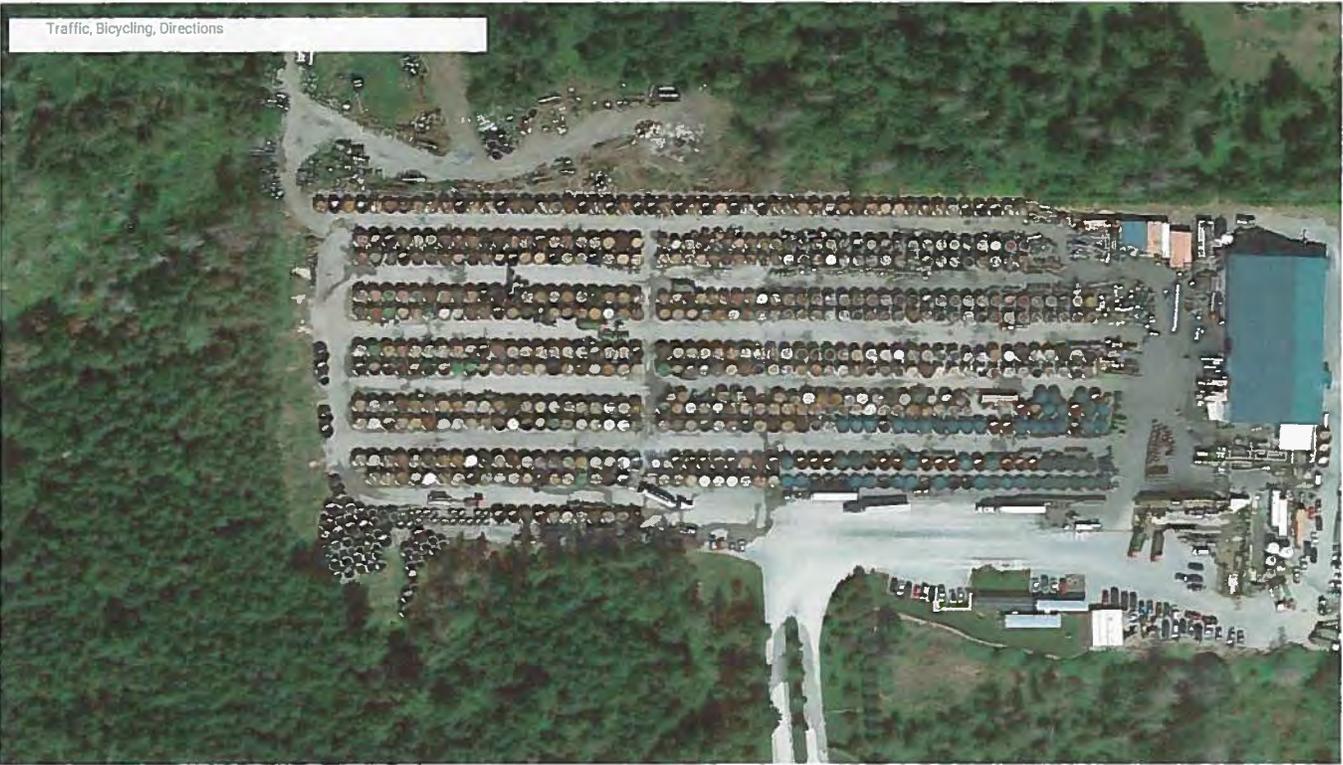
Right now teens have easy access to marijuana on the black market—but if we legalize and regulate marijuana sales, we can aggressively enforce the minimum age requirement of 21 and keep marijuana out of the hands of our older children.

[Print Photo](#)

Skagit County Appraisal digital photo for parcel number P112114



I would like to put a I-502 permit on this site. Can you all help make this happen. My operation would be a whole lot cleaner, way more environmentally friendly, quieter, non-toxic to the land - Organic maybe do it under your (C.A.R.D.) technique





18538
Valentine Rd
About 12500^{sq} Ft
of Green house

18317
Valentine Rd
60^{ft} x 100^{ft}
commercial shop

Details for Parcel: P112114



Jurisdiction: SKAGIT COUNTY
 Skagit County - [Rural Reserve](#)

Zoning Designation:

[Recorded Documents](#)
[Septic System](#)

Documents scanned and recorded by the Auditor's office
 Septic system information

Parcel Number	XrefID	Quarter	Section	Township	Range
P112114	330305-4-008-0400	04	05	33	03

Owner Information
 STERLING INVESTMENT GROUP LLC
 12918 DODGE VALLEY RD
 MOUNT VERNON, WA 98273

Site Address(es) _

Location Map
[Locate this Parcel on iMap](#)

Assessor's Parcel Map: [PDF](#) | [DWF](#)

2014 Values for 2015 Taxes* [Current Use](#)

Building Market Value \$499,600.00
 Land Market Value +\$88,400.00
 Total Market Value \$588,000.00
 Current Use Adj -\$87,700.00
 Assessed Value \$500,300.00
 Taxable Value \$500,300.00

Sale Information

Deed Type QUIT CLAIM DEED
 Sale Date 2007-06-26
 Sale Price \$.00
 Sale requires NRL disclosure ([more info](#))

2015 Property Tax Summary

2015 Taxable Value	\$500,300.00
General Taxes	\$7,253.01
Special Assessments/Fees	+\$672.26
Total Taxes	\$7,925.27

* Effective date of value is January 1 of the assessment year (2014)

Legal Description [Definitions](#)

(5.1000 ac) O/S#128 AF#777091 1974 DR22 LOT 3 SHORT PLAT#96-92 AF#9709240084 BEING A PORTION OF LOT 2 OF SHORT PLAT#26-76

Land Use (982) OPEN SPACE FARM AND AG.

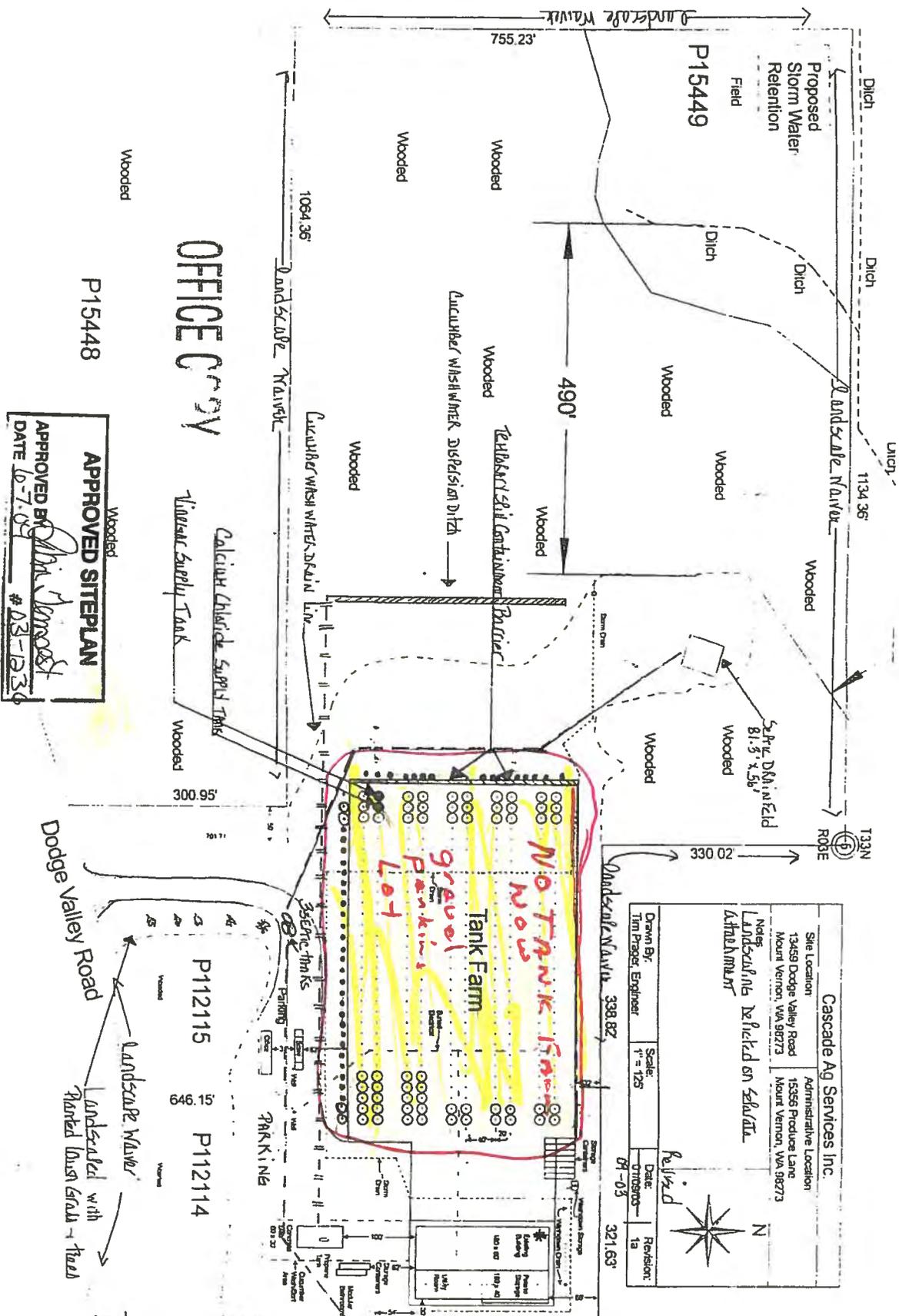
[WAC 458-53-030](#)

Neighborhood (712LACC) LACONNER/CONWAY INDUSTRIAL BUILDING

Utilities PWR,WTR,SEP

Levy Code 1595
 City District Skagit County
 School District SD311
 Fire District F13
 Year Built 2002
 Acres 5.10
 Living Area 18400.00 sq ft
 Bedrooms
 Appliances
 Exemptions

Foundation CONCRETE
 Construction Style
 Exterior Walls SIDING
 Roof Style
 Roof Covering METAL
 Floor Construction
 Plumbing
 Heat-AirCond
 Fireplace



OFFICE COPY

P15448

APPROVED SITEPLAN
 APPROVED BY *Tim Prober*
 DATE 6-7-03 # 03-1236

Cascade Ag Services Inc.			
Site Location 13459 Dodge Valley Road Mount Vernon, WA 98273	Administrative Location 15356 Produce Lane Mount Vernon, WA 98273	Notes: Landscaping to be field on salvia attached	
Drawn By: Tim Prober, Engineer	Scale: 1" = 125'	Date: 07-03	Revision: 1A
<i>Relined</i>			



Dodge Valley Road
 Landscaped with
 Planted Grass Grass + field

P112115

P112114

Landscaping Waiver

*The existing Bldgs
 Houses 36 Sauer Kraft
 TANKS

Landscaping
 Eastmark

BP03-1230

SKAGIT COUNTY PERMIT CNTR.

OCT 01 2003

SKAGIT COUNTY PLANNING & PERMIT CENTER

200 WEST WASHINGTON STREET • MOUNT VERNON, WA 98273
INSPECTIONS (360) 336-9306 • OFFICE (360) 336-9410 • FAX (360) 336-9416

RECEIVED Description

Building Permit Application

Project: Blue Vats

Owner: Cascade Ag Services Inc

Residential (site built):
New _____ sq. ft. Garage N/A _____ sq. ft.

Mailing Address: 15356 Produce Lane
City: MOUNT VERNON State WA Zip 98273

Unfinished _____ sq. ft. Shed _____ sq. ft.

Phone: (360) 428-2717 Fax: (360) 428-3601

Addition _____ sq. ft. Carport _____ sq. ft.

Applicant/Contact: ANNE ANDERSON / LARRY JENSEN

Remodel _____ sq. ft. Post Frame _____ sq. ft.

Mailing Address: 15356 Produce Lane

Repair _____ sq. ft. Deck/Porch _____ sq. ft.

City: MOUNT VERNON State WA Zip 98273

Other - describe: _____ sq. ft.

Phone: (360) 428-2717 Fax: (360) 428-3601

Type of heat: Electrical Gas Wood Other: _____

Contractor: N/A

Number of bedrooms _____ and _____
(before construction) (after construction)

Registration #: _____ Expires: _____

Manufactured Home: N/A

Site Address: 13459 Dodge Valley Rd

Year _____ Make _____

City: MOUNT VERNON Zip 98273

Model _____

Property ID #: _____ SEC _____ TWP _____ RNG _____

Vehicle Identification # _____

Assessor's Account #: _____

(VIN): _____

Legal Description: _____

Manufactured Home/Mobile _____ sq. ft.

Plat Name / Short Plat #: _____

Modular Home (UBC) _____ sq. ft.

Lot/Block #: _____ Lot size: _____

- lineal feet of foundation _____ ft. (modular homes only)

Are there any other structures on this property? Yes No

Installer: _____ Cert. # _____

Do you own adjoining pieces of land? Yes No

WAINS _____

includes adjoining acres to the west we will be acquiring

Is property within 200 feet of a shoreline? Yes No

Commercial: N/A

_____ sq. ft. Project _____ Value _____

Occupancy _____ Type of Construction _____

Height _____ Number _____ of _____

stories _____

Grading: _____

Fill _____ cubic yds. / Excavation _____ cubic yds.

I grant permission to the field inspector to enter the building site to verify the presence or absence of critical areas.*

Owner/Agent: Anne H Anderson

Date: 10-01-03

* Cascade Ag requests that field inspector only enter property when accompanied by ANNE ANDERSON and/or LARRY JENSEN. Contact # (360) 428-2717

SKAGIT COUNTY PLANNING & PERMIT CENTER

200 WEST WASHINGTON STREET • MOUNT VERNON, WA 98273
 INSPECTIONS (360) 336-9306 • OFFICE (360) 336-9410 • FAX (360) 336-9416

Building Permit Submittal Checklist

**** Items which are required by state and local law to be included in a complete application. Without these items, the submittal is considered "incomplete" and is subject to change in regulations.**

✓ SUBMITTAL TIPS

1. **Know your zoning!** Allowed uses, setbacks, height limits, maximum coverage, city urban growth area requirements, etc.
2. **Plan ahead!** Know what it takes for a complete application and submit the required documents and information. Have septic, water, access (*driveway*) and address permits or approvals completed prior to permit submittal.

CHECKLIST

1. ✓ **APPLICATION**** (SCC 14.06.090(a) & UBC 106.3.1)
2. ✓ **OWNERSHIP STATEMENT**** (14.06.090(c)) (*Signature on application form*)
3. ✓ **LOT CERTIFICATION**** (SCC 14.06.090(b))
Required, see Lot Certification handout for more information.
PL03-0041, PL03-0040, PL03-0044
4. ✓ **SITE PLAN**** (UBC 106.3.2) 2 copies on 8 1/2 x 11 size paper and to scale.
Commercial projects shall include landscaping and parking.
5. ✓ **WATER**** (SCC 12.48.230)
 ___ Drilled Well - Permit # _____; or
 ___ Community/Public Well - approval by County Health Dept.; or
 ✓ **Public Connection** - letter of availability or connection receipt. **Pub RECEIPT # C34-00260**
(PUD, La Conner and Anacortes only)
6. ✓ **SEWAGE**** (SCC 12.05.040 & UPC 305.0)
 ✓ **Septic Permit # SW02-0498**
 ___ Public Sewer - letter of availability or connection receipt.
7. ✓ **INFORMATION ON FIBREGLASS & POLYETHYLENE TANKS**
CONSTRUCTION PLANS & SPECS. (UBC 106.3.2 & SCC 14.06.090(f))
Site Built Construction
 2 complete sets + 1 set of floor(s) plan only (*commercial or non-residential projects requiring SEPA review may defer plan submittal*)

Manufactured Homes **N/A**
 ___ New - tie down & support instructions (*installation manual*).
 ___ Used - Model year _____
Pre-1976 require HUD Life & Fire safety inspection and approval by Dept. Labor and Industries. For more information call (360) 416-3000.
 ___ Copy of floor plan.
8. ✓ **CRITICAL AREAS CHECKLIST**** (SCC 14.24.080) **PL02-0688**
If any critical areas review has taken place with previous permit approvals, please list in space provided at right. _____
9. **N/A** **ENERGY CODE COMPLIANCE WORKSHEET**
10. ✓ **ACCESS PERMIT AC02-0129**
 ✓ Existing _____ Private Road (*no permit required*)
 ___ State Road (*permit from State Department of Transportation*)
 ___ County Road (*permit from Skagit County Public Works*)
11. ✓ **ADDRESS** (09-17-2002)

COMMERCIAL / NON-RESIDENTIAL PROJECTS

Commercial Aq Exempt from Engr. Plan
 12. ✓ **ENGINEERED DRAINAGE PLAN** (*impervious surfaces > 5,000 sq ft*)

13. ✓ **STATE PL03-0213 ENVIRONMENTAL POLICY ACT (SEPA) CHECKLIST****

(SCC 14.06.090(d))

(Exemptions see Washington Administrative Code 197-11-800)

14. _____ **CONCURRENCY**

Zoning <u>Rural Reserve</u>
Comp. Plan _____
Minimum Setbacks*
Front _____
Sides _____ / _____
Rear _____
*Other ordinances may affect minimum setbacks (Shorelines, Critical Areas, properties adjacent to Resource Land).
Resource Lands _____
Flood Zone _____
Base Flood Elevation _____
Required Elevation _____

LETTER** (SCC 14.06.090(c))

* PREVIOUS PERMIT APPROVALS

- Last updated 03.05.03, r1
- * PL02-0688 (Critical Area Review)
 - PL03-0213 (SEPA MDNS)
 - BP03-0305 (Change-of-Use)
 - BP02-1279 (Office Tie-Down)
 - PL03-0040 } (Lot Certs)
 - PL03-0041 }
 - PL03-0044 }
 - AC02-0129 (Access)
 - SW02-0498 (septic)

Hazardous material: means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, as defined under applicable State and Federal laws, rules, and regulations.

VERY little to 0% Hazardous waste

OUR plan is to be as close to 100% utilization of our whole crop. Plant matter, oil, proteins & even reuse all the water,

100% organic Fertilizer - wild Salmon

Use: the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Conservation and Reserve Development (CaRD): a technique of residential land development characterized by the placement of lots, dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance, and retains larger expanses of property available for agriculture, forestry, recreation, future development or continuity of open space or ecological functions characteristic of the property to be developed. A CaRD, in some cases, allows higher densities than normally permitted in the zone, but also has greater design requirements. A CaRD may also modify certain requirements of the zone, as specifically allowed by this Code. When the creation of lots is desired, a CaRD is done in conjunction with a land division.

From: [The Schleh"s](#)
To: [PDS comments](#)
Subject: Interim ordinance on marijuana facilities
Date: Monday, January 05, 2015 11:04:45 PM

My name is Daniel Schleh and I live at 17198 Dunbar Rd, Mount Vernon.

I live across the street from pot heads. These pot heads stare at me when I am out feeding my animals. They put cameras up and so now they can watch me from inside when I am out doing my chores. There place stinks and I think their fence should have been taken down a long time ago since it was never legal to put it up at all in the first place. We used to have a Grade A raw goat dairy. We had to work very hard to follow all the rules and my mother was upset whenever the inspector guy showed up because it was always when we were headed out someplace and she had to stop and show him around and then we were late. But we obeyed all the laws anyways. We decided we didn't want the hassle of that anymore so we stopped being grade A and we can no longer sell our milk and our goats don't make us money any more. I don't understand why these pot heads get to break all kinds of laws and maybe even get to stay in business and still make money when we couldn't. I think milk is a way better product to sell to people because it is healthy. Pot is really bad for you and I don't agree with it being legal but I understand that it is. I just think they have no business being on a road with houses that people live in right next door and across the street like me. They scare me when they are out because I don't know if they are criminals or if their friends are or who will come around or if they will do something to my house or to me.

I agree with what you are trying to do and I want your marijuana moratorium ordinance to go through.

From: [Elizabeth Schleh](#)
To: [PDS comments](#)
Subject: Interim ordinance on marijuana facilities
Date: Monday, January 05, 2015 11:00:59 PM

My name is Elizabeth Schleh and I live at 17198 Dunbar Road.

I live across the street from the property that is growing marijuana in their greenhouses, and I support the moratorium. The presence of this operation has changed how I view the neighborhood, and has even changed how I go about my life. I used to enjoy going on a morning run in this neighborhood, but because of their cameras, as well as the potential for crime, I have ceased running in the neighborhood and now only run at the gym. It frustrates me that a neighborhood that I have grown up in has undergone such a change. This is not a private person growing a plant or two in his basement for medical reasons. We can hear large delivery trucks early in the morning, and when they have their grow lights on they shine directly into my bedroom window. Their property is at the corner of where I used to be picked up from school, and I know that some of my neighbors still get picked up there. Please support and enable this community to return to the way it was before. Thank you.

Sincerely,

Elizabeth Schleh

From: [The Schleh"s](#)
To: [PDS comments](#)
Subject: Interim ordinance on marijuana facilities
Date: Monday, January 05, 2015 11:03:06 PM

My name is Ian Schleh and I live at 17198 Dunbar Rd, Mt Vernon.

I am in support of this ordinance as I am greatly concerned about the current situation with marijuana grow ops and their nearly unrestricted infiltration into owner neighborhoods. With the allowance for both medical and recreational weed growers there is in essence two ways to operate a business growing this drug: one highly regulated and monitored option-the recreational, and the medical tract which is basically the loophole that allows for much lower regulatory standards. I see additional problems with these kinds of businesses in their ability to crop up within neighborhoods hurting these tight knit communities through the damage to property values at an already difficult time for homeowners. My hope is that the commissioners would approve the moratorium.

Sincerely,

-Ian Schleh

From: [The Schleh"s](#)
To: [PDS comments](#)
Subject: Interim ordinance on marijuana facilities
Date: Monday, January 05, 2015 11:01:21 PM

My name is Joan Schleh and I live at 17198 Dunbar Rd. I am in support of the marijuana moratorium ordinance which you are considering at this time.

I have stood up and spoken two other times in defense of my neighborhood. I will stand up again to defend it. Neighborhoods are the homes of society. They are where families live and raise the next generation. They are where the average citizen expends the majority of their money through mortgages, taxes, improvements, and living. Most people search out safe neighborhoods where their investment of money, time and family can come to fruition. Concerned neighbors will watch out for one another. When there is a crime spree we come together and walk the neighborhood alerting each other to keep our eyes open and discourage any crime. When a neighbor is in need they know they can knock on a friendly door for help. Children feel safe to ride their bikes to their friends' house at the end of the road and parents know others are watching out for them. This is what it means to live in a good residential neighborhood like ours. Should a business wish to come into this neighborhood it is expected they will be a contributor to this climate, not a detractor. They should be inviting of neighbors and be conforming to the feel of the neighborhood like the previous seasonal hanging basket business was, not a pot growing business with an impenetrable wall around themselves to keep all eyes off of them while their bogus "collective garden" status makes a laughingstock of the medical marijuana law.

Thank you for listening and acting on our concerns but I ask you to go further and not allow any such marijuana grow operations to be grandfathered in, even if they were legal, unless they can meet the considered ordinance requirements. Many of these operations snuck into neighborhoods because Skagit county had not done their job of protecting our neighborhoods to begin with. Please fix this. That way they can operate in peace and no one need complain about what they do. BUT if they are operating illegally then it is up to the county to enforce the law properly and not wait for ticked off neighbors to get something done.

There is no place in a residential area for a pot growing operation much less a large one which is also quite obviously processing who knows what. They have a large, commercial illegal fence in a neighborhood of few fences, an illegal commercial use of a garage for processing that results in highly noxious fumes, and commercial grow lights that burn all night. This aggressive shoving of an offensive industry into our backyard is not a contributor to a residential area. Their claim to be grandfathered in must not be allowed as they have never been legally operating to begin with. To say the least their fence is non-conforming to the neighborhood and, unpermitted, it has also been non-compliant. To offer that status after the fact and after all that we have complained about would be tantamount to spitting in our eye.

I support your ordinance and applaud your efforts. We look forward to you making Skagit county a livable county for everyone. Thank you.

From: [The Schleh"s](#)
To: [PDS comments](#)
Subject: Interim ordinance on marijuana facilities
Date: Monday, January 05, 2015 11:05:41 PM

Skagit County Commissioners,

My name is Stephen Schleh and I live at 17198 Dunbar Road, Mount Vernon Washington (In the county) which is across the street from the home with five greenhouses that are currently growing and processing "medical marijuana" as a co-op.

I support the marijuana moratorium ordinance.

We live in a neighborhood that is both residential and agricultural neither of which are appropriate for growing marijuana.

First, the neighborhood property that is growing marijuana has neighbors living close by on multiple sides of their place with young families and children. I do not want to be exposed to this product, and the the people, behavior and crime that accompany it as a neighbor and property owner. I also don't feel that the other families and children should be exposed to these operations and because of the perception of a marijuana operation our property values will decrease. If the operation does continue I will be petitioning to have my property taxes lowered due to a lowering of my properties value. I will also encourage my neighbors to petition to have their property values lowered to reflect this impact (close to 50 homes are in close proximity).

I also suspect that the residents are being paid to care for plants of people not in the neighborhood thus making it a commercial operation. In my opinion they may grow for their own use but processing for others, and providing income for both the residence and the absentee landlord again appears to me to fall into the commercial realm which is inappropriate for neighborhoods. This is another reason that co-ops should be classified as commercial operations and highly regulated, monitored and located in special commercial zones away from neighborhoods. (Note: We have no public information and all we can do is observe activities and then utilize resources to understand as best we can what is actually happening). Large operations like the one on Dunbar are much different than when a person is growing for their own medical use and thus should be treated differently.

Finally, marijuana is not considered an agricultural product and thus does not belong in an agricultural area. All of you have a long history of protecting the agricultural use of the land. Please keep Skagit County agriculture zoned land focused on agriculture products and activities which marijuana is not.

I'd like to ask you to ask how many of the supporters speaking against the moratorium ordinance and support large marijuana growing operations live in the areas where they already exist? How are their property values doing? This is my neighborhood I am fighting for and wish to protect as a tax payer, father, and husband.

Thank you for listening to me and supporting the moratorium on growing marijuana either in a co-op for medical purposes or for any recreational growing in Skagit County.

From: ddschram@comcast.net
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana
Date: Thursday, February 05, 2015 1:23:26 PM

My name is Dr. Donna D. Schram

I reside at 17491 Dunbar Road, Mount Vernon, WA 98273 (Cell phone 360-391-0216)

Comments: My home is located near a medical marijuana grow operation at 14971 Dunbar Lane in unincorporated Skagit County. I have lived in my home for 16 years and have come to know many of my neighbors, all of whom are concerned with the marijuana grow operation that appeared without discussion or notice last summer.

It had never occurred to me that such an operation would be permitted in a residential neighborhood such as ours. It is not an asset, as any passerby can ascertain. It is ugly and it smelled terribly during the last harvest. THIS, AND SIMILAR OPERATIONS, DO NOT BELONG IN RESIDENTIAL NEIGHBORHOODS. I AM IN FAVOR OF THE CURRENT MORATORIUM UNTIL THE COMMISSIONERS CAN DEVELOP AND ENACT REASONABLE REGULATIONS.

I recently visited the marijuana grow facility on Dunbar. I was treated with great respect and escorted through each of five large green houses. If the moratorium is continued, I will encourage my neighbors to visit the facility and to begin a dialogue with the facility operators regarding issues of mutual concern.

I have attended both hearings on the ordinance. I have learned a great deal about the issues on all sides and appreciate the Commissioner's desire to create fair and thoughtful regulations that will permit grow and processing operations in appropriate unincorporated areas, while protecting neighborhoods.

Thank you.

February 2, 2015



To: Skagit County Board of County Commissioners — Re: Interim Ordinance on Marijuana Facilities

My name is John R. Scott. I live at 3351 Old Hwy 99 N Burlington, WA 98233.

I support the Commissioners action to adopt an Interim Ordinance establishing a moratorium in the zones identified (Rural Intermediate, RR, RB, RC,RR-NRL, Rural Village Commercial, Bayview Ridge Residential or Hamilton Residential) while a public input process occurs and further research is conducted.

I support a setback of 250 feet from any other property line as was proposed in the original Ordinance on 12/15/2014.

I support requiring landscape screening around any marijuana grow site which would assist in maintaining the rural character in Rural Intermediate Zones.

Respectfully submitted,

John R. Scott

3351 Old Hwy 99N

Burlington WA 98233

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

From: [Andi Shannon](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 11:06:12 AM

Interim Ordinance on Marijuana Facilities

I support the availability of marijuana, however, there must be great care in the allowed placement for the cropland. It isn't corn or blueberries. For existing homes and residential neighborhoods, this is a possible danger and certainly will have a negative impact on property values. I live on the hill in Mount Vernon, so this doesn't affect me personally, but it is important to me as a citizen who cares about the town. If you wouldn't want to live with this next door to your home, don't allow it for someone else's home.

Andi Shannon
1530 Skagit St.
Mount Vernon
360.540.4585

From: [John Snarrenberg](#)
To: [PDS comments](#)
Subject: Comments on the Interim Ordinance on Marijuana Facilities
Date: Thursday, February 05, 2015 4:13:16 PM

Feb, 5, 2015

John & Flora (Penny) Snarrenberg
5836 Chuckanut Dr
Bow, WA, 98232

Comments on the Interim Ordinance O20142009 (Ordinance on Marijuana Facilities)
Planning and Development Services
1800 Continental Place
Mount Vernon WA 98273

Although we were unable to attend the recent hearing on Feb. 3, 2015, we want to enter our comments into the public record in support of Interim Ordinance O20142009.

As an introduction, please read our letter, included below, to Brandon Black, Senior Planner, Team Supervisor, Skagit County Planning and Development Services.

We oppose any marijuana processing/growing facilities in any type of residential area. Just because people live in sparsely populated areas they should not be treated as second-class citizens because of that fact.

We will not repeat our concerns listed in the letter Brandon Black. We will comment on a couple of comments at the public hearing as reported in the Skagit Valley Herald on Feb, 4, 2015:

Quote from Mr Bernard Finney: "I basically burned all my bridges to move to Mount Vernon and bring all my businesses into Skagit County". So people who have spent 25 years improving their homes and property should have to pay for Mr Finney's failure to do his homework on establishing the type of business he wants to operate? We totally agree with Carol Eller's comment(s) that crops grown in greenhouses (we're talking marijuana, not tulips or vegetables!) and the processing facilities should be located in an industrial use area, not agricultural/residential area and her quote: "The idea that someone can come in and do anything they want to, and the person who's already there can just shut up and take it..." "Is just plain wrong", as we might have finished her quote.

Although we have to leave off here because of the comment dead line, we believe we have covered most of our concerns,.

We would like to thank the commissioners in advance for their very careful consideration of these matters that are of great importance to many of the tax-paying citizens of our county.

Sincerely,

John & Penny Snarrenberg

John & Flora (Penny) Snarrenberg
5836 Chuckanut Dr
Bow, WA, 98232

Brandon Black, Senior Planner, Team Supervisor

Skagit County Planning and Development Services

Comments RE:

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
NOTICE OF DEVELOPMENT APPLICATION
Administrative Special Use Permit
File # PL15-0001

It was with considerable alarm that we received the above notice.

1. This proposed facility is located directly across the road from our residence and property.
2. A little over a month ago a family with two young children bought and moved into the property right next door to project.

Some concerns:

1. The debilitating effect on our property values (We have spent the past 25 years investing monetary and sweat equity into our home and property).
2. The reduced ability to be able to even sell our property (For example: how many families with children would be willing to buy a home across from a marijuana producer/processor facility?)
3. Possibility of increased crime in the area. We have already had enough home & business thefts in the area, so, at the very least, we don't need an 'attractive nuisance' inviting more people casing the neighborhood.

We appreciate the county making the effort to avoid the fiasco that has occurred in Snohomish County. It has become painfully obvious in the past months, at least on the state level, that in the rush for tax dollars hardly any real careful thought has been given to the negative impacts upon the citizens, in particular, the RURAL citizens of this state.

We urge that no action on this Administrative Special Use Permit be taken until:

1. The County's Interim Marijuana Moratorium Ordinance #020140008 has been lifted, if, indeed, it will be.
2. Proposed legislation in the State Legislature to re-define the R-5 zoning laws as they pertain to the allowed location marijuana producer/processing facilities has made its way through the legislative process

Some "if you were in our shoes" questions:

Would you like your children or grandchildren living next door to one of these facilities?

Would you like to live across the street from one of these facilities?

If these type of facilities are required to be 1000' from a school, why is it ok for that kids can be as near as 250' when they get home from school?

How would you react to the negative impact on the value and salability of your home and property?

Since receiving the above notice we have seen news articles regarding:

1. The increase in marijuana poisoning among adults AND CHILDREN in states were marijuana has been legalized.
2. The AMA has just very recently reaffirmed its opposition to marijuana legalization.

The last time we checked marijuana production is still illegal under federal law

Thank you for the careful consideration of our concerns and that no decisions be made that could be "grandfathered in" at a later date.

Sincerely,

John & Penny Snarrenberg

From: [Russell and Sharyn Sowell](#)
To: [PDS comments](#)
Subject: interim ordinance on marijuana facilities
Date: Monday, January 05, 2015 5:07:59 PM

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

We support the moratorium.

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. We contend 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.

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 shows the primary land use is residential, not commercial.

The growers contend their product is agricultural. Yet 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."

The county records also show that the garage 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 who have attorneys and in fact some are attorneys themselves. Lawsuits have been threatened not only against us, but against the county. Other counties across the state and cities within Skagit County looked ahead. The county has let us down by being negligent in

planning and now enforcing the specifics of where and how this industry should be placed. We hate the idea of a lawsuit but if our property values go down we may be forced.

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

From: [Sandy Sundberg](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Sunday, February 01, 2015 12:17:41 PM

I am very much in support of the Interim Ordinance on Marijuana Facilities. These facilities do not belong in our neighborhoods and communities.

From: [Scott Sundberg](#)
To: [PDS comments](#)
Subject: Supporting the Interim Ordinance on Marijuana Facilities
Date: Sunday, February 01, 2015 12:09:44 PM

I support the "Interim Ordinance on Marijuana Facilities" as I believe the growing, processing and sales of marijuana has no business in our residential neighborhoods. Thank you for your consideration. Scott Sundberg 3382 Butler Creek Rd. 206 909-8445

From: [Crystal Sweger](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 7:37:53 PM

Dear Commissioners,

We are writing to express our opinion on the appropriateness of marijuana growth and processing operations in residential areas of Skagit County. We would prefer to address our concerns in person with you at the public hearing on January 6th, however we have two small children who may not cooperate in being quiet so that important points can be made and heard.

It's these small children that we are writing on behalf of. While we personally don't have any ill will towards the marijuana crop itself and those who grow it or use it, we are increasingly concerned about the safety of our children as they play in their backyard, which is approximately 200 feet away from the marijuana grow at the corner of Dunbar Road and Dunbar Lane. When we bought our home, the greenhouses now growing marijuana used to grow flowers. We never hesitated letting our children play outside before the intimidating 8 ft. fence and security cameras showed up protecting the now high value crop that is currently growing there. Our children do not have such protection from the possible increase in crime associated with living in close proximity to a high demand drug. We no longer feel safe letting them play outside without constant supervision, and even then, we're not sure how much longer we'll feel safe doing that. We believe their rights as children to play and live safely in their home is being taken away, especially if we become surrounded by other growth operations as the unintended consequences of legalizing this crop in the state of Washington begin to unfold in our backyard. We never would have purchased this home for our family had we known that we would eventually be living next to a corner where drug deals, legal or black market, would be going down. It's not the environment we wish to raise our children in, and we're now fearful if we go to sell our home to try to get away from this situation, the sale price will reflect this undesirable "neighbor" that moved in to our community.

Not all land is created equal, just like not all crops are created equal; marijuana isn't "just another crop," as I've heard some people say in support. It certainly comes with it's unique collateral damage that is not desirable or healthy in a residential neighborhood. We highly value our land where we have chosen to build a home and raise our children, who we consider to be our most "highly valued crop." We think our land and crop should be valued and protected under the law just as much as the marijuana crop is getting protected. We support the ordinance on marijuana facilities, with amendments as needed as you further consider the impact on families and neighborhoods in determining how to allow these entities to coexist and grow peacefully.

Sincerely,
Crystal and Joseph Sweger
Concerned citizens and parents
14958 Valley View Drive
Mount Vernon, WA 98273

From: [Crystal Sweger](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Tuesday, February 03, 2015 8:36:39 PM
Attachments: [BOCC MARIJUANA DOCUMENTS11042014_0000.pdf](#)

Dear Commissioners,

We are writing again on behalf of our children and their neighbor friends who play together in our cul de sac. While we personally don't have any ill will towards the marijuana crop itself and those who grow it or use it, we are increasingly concerned about the safety of our children as they play in their backyard, which is approximately 200 feet away from the marijuana grow at the corner of Dunbar Road and Dunbar Lane. When we bought our home, the greenhouses now growing marijuana used to grow flowers. We never hesitated letting our children play outside before the intimidating 8 ft. fence and security cameras showed up protecting the now high value crop that is currently growing there. Our children do not have such protection from the dangers associated with living in close proximity to a high demand drug. We no longer feel safe letting them play outside without constant supervision, and even then, we're not sure how much longer we'll feel safe doing that.

Our yard allows direct access to the grow operation for someone wishing to hide their vehicle from the security cameras as they participate in drug trafficking or robbery. Our children's playset and bedroom windows now sit in the crossfire should armed burglaries of grow operations escalate to gunfight, as is being reported out of Colorado (see attached articles*). They play tag and fetch with their dogs within the blast zone of potential explosion from butane hash oil extraction, a hazard that was highlighted in a recent New York Times article with a picture of a home in Mount Vernon after it exploded in 2013 from this practice (link provided below**). We believe their rights as children to play and live safely in their home are being taken away, especially if we become surrounded by other grow operations. We never would have purchased this home for our family had we known that we would eventually be living next to a corner where drug deals, legal or black market, would be going down. It's not the environment we wish to raise our children in, and we're now being held financially hostage to the situation as our dropping property value reflects this undesirable "neighbor" that moved in to our community.

Not all land is created equal, just like not all crops are created equal; marijuana isn't "just another crop," as I've heard some people say in support. It certainly comes with its unique collateral damage that is not desirable or healthy in a residential neighborhood. We highly value our land where we have chosen to build a home and raise our children, whom we consider to be our most "highly valued crop." We are concerned their opportunity to grow and flourish is being threatened by the weed that has sprouted in our neighborhood. We support the ordinance on marijuana facilities, with amendments as needed as you further consider the impact on families and neighborhoods in determining how to allow these entities to coexist and grow peacefully.

Sincerely,

Crystal and Joseph Sweger
14958 Valley View Drive
Mount Vernon, WA 98273

*We are attaching a document with a collection of articles about crime, what other counties are doing to address the implementation of this new law, as well as a UCLA study that is an argument for putting grows in a district rather than having them scattered. The crime statistic is a much deeper issue than just "does legalized marijuana increase or decrease crime." When you consider the types of crime and the crime trend before and after marijuana legalization, the argument that one would be fearful of safety living next to a marijuana grow can clearly be made.

**Healy, Jack. Odd Byproduct of Legal Marijuana: Homes that Blow Up. NYTimes.com. Jan 17, 2015.

[http://www.nytimes.com/2015/01/18/us/odd-byproduct-of-legal-marijuana-homes-blow-up.html?](http://www.nytimes.com/2015/01/18/us/odd-byproduct-of-legal-marijuana-homes-blow-up.html?partner=rss&emc=rss&smid=fb-nytimes&bicmst=1409232722000&bicmet=1419773522000&smtyp=aut&bicmp=AD&biclup=WT.mc_id&_r=0)

[partner=rss&emc=rss&smid=fb-nytimes&bicmst=1409232722000&bicmet=1419773522000&smtyp=aut&bicmp=AD&biclup=WT.mc_id&_r=0](http://www.nytimes.com/2015/01/18/us/odd-byproduct-of-legal-marijuana-homes-blow-up.html?partner=rss&emc=rss&smid=fb-nytimes&bicmst=1409232722000&bicmet=1419773522000&smtyp=aut&bicmp=AD&biclup=WT.mc_id&_r=0)

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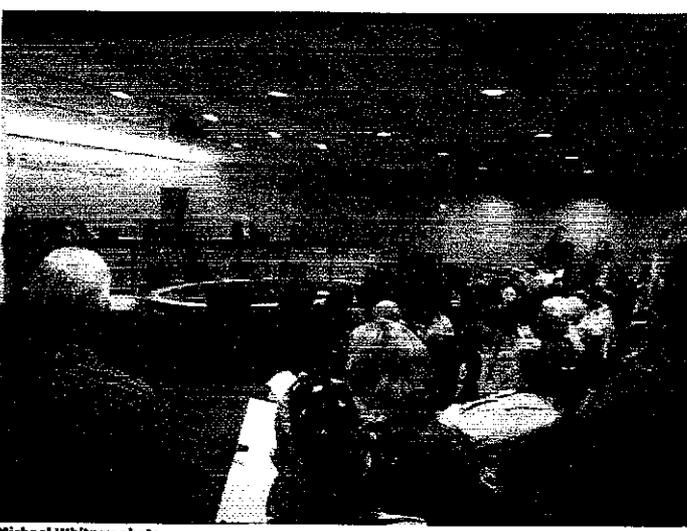
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thomasfamilyfarm.com

By MICHAEL WHITNEY
Published November 5, 2014

Snohomish County continues rural marijuana business ban

Another public hearing coming in December



Michael Whitney photo

People who came to speak at the County Council public hearing spilled into the hallway Wednesday, Oct. 29.

SNOHOMISH COUNTY — Marijuana entrepreneurs and rural residents collided at a hearing last week on the County Council's emergency moratoriums halting recreational marijuana businesses in two zoning areas.

The County Council heard three-and-a-half hours of testimony from 77 people at the hearing Wednesday, Oct. 29 before deciding to continue the six-month moratorium until April 1.

The moratorium prohibits new recreational marijuana retailers, growers and processors in the ubiquitous Rural 5-acre (R-5) zone and the Clearview business corridor zone. Any businesses that already have a county construction permit are grandfathered in. Waiting with the moratorium will allow county planners to brainstorm on kinks in the code that allow marijuana businesses close to homes, council members said.

The county planning commission is scheduled to hold a public hearing on the issue Tuesday, Dec. 16 as part of that brainstorming work.

The council set the emergency moratorium Oct. 1 after residents in a neighborhood in Machias north of Snohomish and at Wagner Lake north of Monroe spoke out against large pot farms proposed near them.

Their outcry was that the proposals damages the character of their

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neighborhoods, property values and they're concerned about impacts to traffic and water tables that feed their wells. State-licensed pot entrepreneurs countywide, though, said the moratorium "blindsided" them and their plans are being unfairly blocked.

They feel especially burned because when the zoning rules were set last fall, nobody spoke up against the plan. Some business owners asserted the vocal minorities in Machias and Wagner Lake forced a "fear-based" emergency ruling that affects the whole county when no emergency exists.

"R-5 is not the problem, it is the location within R-5 and the size (of the operation)" David Evans, who wants to be a small-scale grower near Sultan, said. "If other areas have a problem, why should I be punished?"

Many entrepreneurs invested huge dollars thinking they had the green light to proceed when state-governed marijuana licenses started being handed out this summer.

Andrew Strackbein, who did many tours of duty as a soldier in Iraq and Afghanistan, is one of the entrepreneurs affected by the moratorium. He wants to put in a mid-sized 5,000 square foot marijuana growing facility at the dead end of Van Brocklin Road near Monroe. His operation is near the bigger proposed operation that stirred Wagner Lake neighbors.

The entire industry is being stereotyped, he said. His business "will have no impact on traffic as there are only four employees including myself, who lives on the property," Strackbein said, adding he wants his company to be known for "keeping with the rural character of the area, being a trusted neighbor and contributing to the local economy."

Some consensus

One idea that both sides seemed receptive to was a middle-ground approach of allowing smaller-scale marijuana growers in the county but restricting the largest-size tier of operators.

The state determined three classification tiers by size last year. The largest tier of marijuana facilities can be up to 30,000 square feet in size. The middle tier caps the maximum facility size at 10,000 square feet.

Strackbein, for example, said that if he had to draw a line it would be to allow tier 1 and tier 2 growers and processors.

County Council Chairman Dave Somers said post-meeting that allowing small-scale growers could be the route the county takes. "I think we need to look at tiers 1, 2 and 3 separately," Somers said during the meeting.

R-5 zoning presents a challenge because of how much it encompasses across the county. The designation allows one house for every five acres, hence Rural-5.

R-5 zoning allows for some forms of commerce already. While it includes barren rural areas, there are a few neighborhood-style clusters in R-5 zones that have been built in the past decades. The clustering idea was encouraged by county planners, Somers said.

The Machias neighborhood is one example, where there is a quasi-suburban feel with homes near the street and large back lots. Residents said they built homes here to live in the country. John McCauley lives across the road from the proposed Wagner Lake large-scale grow operation.

"There's a place to grow it, but not in a neighborhood," McCauley said.

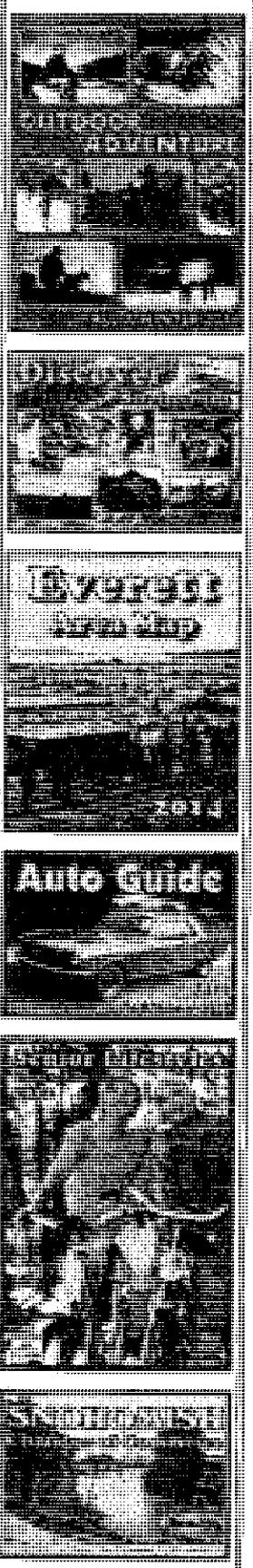
Small-scale growers countered that they aren't hurting anyone. One such grower said from the street nobody can tell his building is for growing marijuana. For all they know, it could be for other plants.

One speaker who's lived in R-5 zoning for 30 years suggested the county split the zoning to give these neighborhood clusters their own zoning designation.

Kim Morrow said there are rural areas with enough space between homes that a marijuana farm wouldn't be troublesome.

Why neighbors are concerned

Neighbors to the proposed projects have many concerns. There also is some confusion on what these marijuana facilities would look like, although it's commonly held the largest-scale



growers would be a big box. Because of state security regulations, the idea of marijuana farms stirs many worries among residents that a compound-like building will go up next door, complete with barbed-wire fencing and prison-style security lighting.

One marijuana grower applicant from Stanwood said many of these concerns are misplaced. The state does not require either that style fencing or lighting at night.

Many residents also don't want their home values damaged by a marijuana operation next door.

"I invested my time and money into my property and I have a right to keep my property value," Snohomish resident Matt Kline said. Some residents said outright a marijuana business nearby is a bad influence on children.

Marijuana operations nearby "will ruin a lifestyle we thought we had ensured," Steve Harwood of Machias said, calling on the council to think of families.

The proposed big marijuana growing facility at Wagner Lake called Red Frog prompted a packed town hall meeting among nearby residents.

Red Frog was ready to file its permits the morning of the moratorium vote and was told it couldn't because of the impending vote, the Wagner Lake businesses' property owner Robert Heldt said.

Heldt deferred to the business operator on whether the moratorium will kill the project.

In Machias, the issue may have calmed down as a would-be large-scale marijuana grower may be backing out of its plans. That grower would have been at the end of a neighborhood cul de sac. It's said the property was bought unseen.

The property is up for sale, although residents there emphasized last week they're not in the clear until someone buys the house. The case in Machias was unique and shouldn't be the benchmark, marijuana entrepreneurs countered.

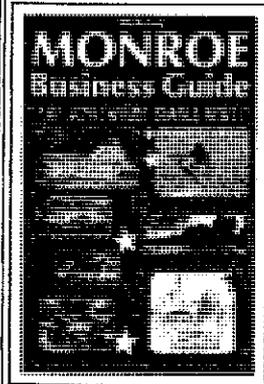
Concerns in Clearview

The moratorium does not affect medical marijuana businesses, which have proliferated along state Route 9 in Clearview to the point of making residents upset.

There are five medical marijuana businesses along the stretch. One resident calculated that's one medical site for every 400 residents. "The concentration of that is outrageous," Carmel Ackermann said. One attorney who works with Initiative 502 clients suggested the Clearview issue may be cause for emergency.

Medical marijuana is currently unregulated by the state, but county zoning code can set locational regulations on that side of the industry.

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Jefferson County enacts moratorium on I-502 marijuana growing, processing businesses

By Nicholas Johnson of the Leader | Posted: Monday, August 11, 2014 6:21 pm

Jefferson County officials say legal marijuana growing and processing businesses don't belong in rural residential areas.

That's why staff proposed Monday, Aug. 11 a moratorium on county permitting for such businesses, unless they locate in areas zoned for agriculture, forest or industry. After brief review, county commissioners unanimously adopted the six-month moratorium, effective immediately.

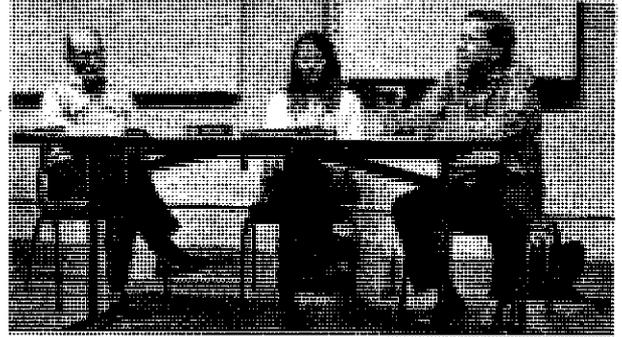
Retail stores are still allowed in commercial areas.

“Our comprehensive plan and our development code are abundantly clear that the primary use of rural residential land is for single family residential use,” said Carl Smith, director of the county's Department of Community Development, while presenting the idea during the board's regular weekly meeting.

“So we feel we have some gaps in our regulations. We feel that we don't have the adequate tools that we need to both support agriculture and make sure these potential and unintended consequences are prevented or mitigated in single-family zones.”

The county still considers marijuana an agricultural product, as is evidenced by the fact that I-502 business are still allowed in areas zoned for agriculture. But staff say they are struggling to remedy the county's welcoming agricultural policies with unique impacts associated with industrial-scale businesses, such as traffic, noise, light, odors, water supply and potential water pollution.

“The nature of some of the applications is showing that the intensity and scale of types of development that are being financed as part of marijuana production and processing are



Marijuana moratorium 2014

Carl Smith (right), director of the Jefferson County Department of Community Development, speaks to commissioners during their regular Aug. 11 meeting alongside Stacie Hoskins, senior planner and County Administrator Philip Morley at the Jefferson County Courthouse. Smith and his fellow county staff proposed, and the commissioners unanimously adopted, a six-month moratorium on I-502 marijuana businesses looking to locate anywhere but land zoned for agriculture, forest or industrial. Photo by Nicholas Johnson

significantly different than what we've seen with other agriculture," said County Administrator Philip Morley, citing the potential for 40,000 square-foot structures. "Placing a building of that size and scale within a residential zone raises fundamental land use compatibility issues that frankly in October [2013] we weren't seeing and weren't anticipating."

Some 55 percent of producer-processor applicants in the county have chosen to setup on land zoned rural residential, Smith said. Some 90 percent of applicants looking to grow marijuana in the county are also looking to process it, he said.

The moratorium does not apply to those whose applications are deemed "substantially complete," which Smith said amounts to at least two and as many as five.

According to state law, a public hearing must be conducted by Oct. 11. A public comment period is expected during September. Final regulations are set to be adopted within 180 days, following study of these businesses' impacts and consideration of public comment.

(See an updated story in our Aug. 13 issue).

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Local News

Originally published Friday, August 29, 2014 at 9:17 PM

Pierce County judge upholds Fife ban on pot businesses

A Pierce County judge upheld the city of Fife's ban on marijuana businesses, in a case the state attorney general foresees will wind up in the state Supreme Court.

By Evan Bush

Seattle Times staff reporter

A Pierce County judge Friday upheld the city of Fife's ban on marijuana businesses, saying the state law legalizing pot did not mandate cities to allow them.

Prospective marijuana retailer MMH was suing the city and hoped the judge would compel Fife to issue it a business license. Tedd Wetherbee, who owns MMH, said he plans to appeal the judge's ruling.

State Attorney General Bob Ferguson said he expects the case will wind up in the hands of the state Supreme Court, possibly early next year.

"It's precisely the issue the state Supreme Court is likely to provide guidance on to the state," Ferguson said.

There were two key issues in the case: whether Fife and other municipalities are allowed to ban marijuana businesses under Initiative 502, and whether federal marijuana laws on pot trump the state's.

MMH's lawyer, Mark Nelson, argued that Initiative 502 set up a tightly regulated system controlled by the state Liquor Control Board. Because the board allotted stores across the state and licensed them, Nelson said, his client had the right to open up a shop, and Fife shouldn't be able to stop him.

He also argued that disallowing MMH to operate violated voters' will. Fifty-three percent of Fife voters approved I-502 in November 2012, he said.

"I-502 represents the will of people of Washington state," said Nelson during the hearing in Pierce County Superior Court. "It represents the will of Pierce County and the will of the city of Fife."

Judge Ronald Culpepper disagreed in what he represented as a "quick and dirty" ruling from the bench.

"It could be consistent for people to generally think of legalization of marijuana as a good thing, but not in their backyard," Culpepper said. "I don't think that's an irreconcilable conflict."

Because Culpepper decided Fife was allowed to ban pot businesses within the bounds of I-502, he didn't have to reach the second issue Fife raised — federal pre-emption. He did take a moment to comment on the issue though.

“There is not federal pre-emption here,” he said.

The judge said the state has the authority to legislate marijuana policy and that Washington’s approach wasn’t at odds with the Controlled Substances Act. If the federal government wanted to crack down on marijuana, he said, it still could.

During the hearing, Culpepper also balked at Fife’s argument that city officials could be prosecuted by federal authorities for approving pot businesses, saying it seemed “far-fetched.”

The state Attorney General’s Office, which intervened in the case and believed the bans were legal, disagreed with Fife on the issue of federal pre-emption and said it could “eviscerate” the law legalizing marijuana.

After the hearing, Ferguson said the judge’s ruling put the initiative on stronger legal ground because federal pre-emption was a nonstarter for the judge.

“We’ll go anywhere, any time to defend I-502” from federal pre-emption, said Noah Purcell, the state Solicitor General, who argued the office’s position.

It’s not clear yet if the ruling will have a widespread effect. The Legislature meets in January and could address pot bans. A higher court could overturn the judge’s decision.

Alison Holcomb, the ACLU lawyer who crafted the initiative, said she believed the judge’s ruling was “specific to the case.”

“I don’t think Judge Culpepper’s decisions necessarily applies to other jurisdictions or Pierce County, where legislation is pending right now,” she said.

I-502 requires Washington residents have “adequate access” to pot products “to discourage purchases from the illegal market.”

Representing the ACLU, attorney Salvador Mungia argued that if municipalities adopted widespread bans, it would undercut the system and prevent the state from its goal of eradicating the black market.

The judge seemed sympathetic to the argument, and suggested a ban in Pierce County might not be analogous to one in tiny Fife, a town of about 9,000 people where residents can access nearby pot shops.

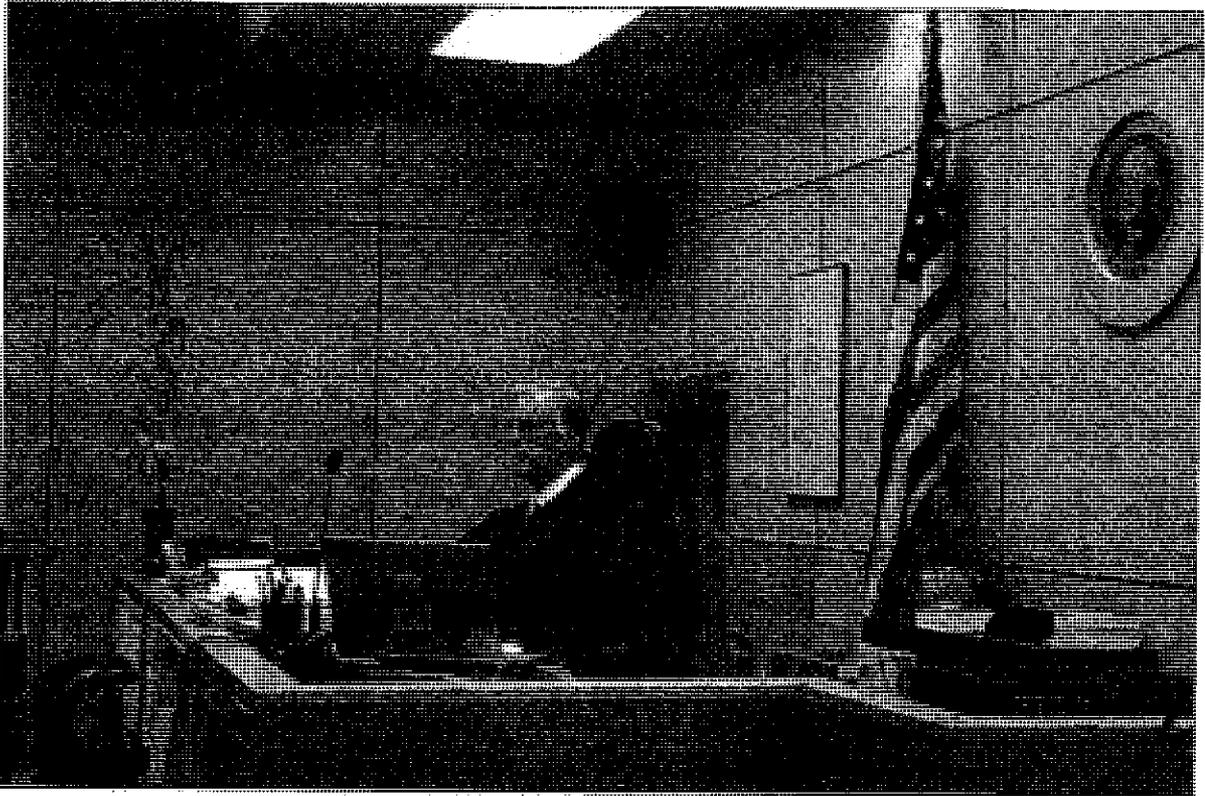
Holcomb said she hopes the Legislature can address bans this session. “My hope is that we’ll have a political solution in 2015,” she said. Holcomb said the Legislature should consider incentivizing municipalities to participate in the I-502 system by changing the law’s tax structure.

Evan Bush: 206-464-2253 or ebush@seattletimes.com. On Twitter @evanbush.

KOMO News

Judge upholds local pot business ban in Wash. state

By GENE JOHNSON, Associated Press | Published: Aug 29, 2014 at 2:11 PM PDT (2014-08-29T21:11:21Z)



Judge Ronald E. Culpepper presides in Pierce County Superior Court, Friday, Aug. 29, 2014, in Tacoma, Wash., during a hearing for a man who wants to open a marijuana shop in the Tacoma suburb of Fife, Wash.

PHOTOS ([HTTP://WWW.KOMONEWS.COM/NEWS/LOCAL/JUDGE-UPHOLDS-LOCAL-POT-BUSINESS-BANS-IN-WASH-STATE-273234711.HTML?TAB=GALLERY&C=Y](http://www.komonews.com/news/local/judge-upholds-local-pot-business-bans-in-wash-state-273234711.html?tab=gallery&c=y))

TACOMA, Wash. (AP) - A Washington state judge says a small city can continue to ban licensed marijuana businesses, even if they're allowed under state law.

Pierce County Judge Ronald Culpepper issued the ruling Friday after extensive arguments in a case with big implications for Washington's experiment allowing recreational marijuana.

A man who wanted to open a pot shop in the city of Fife sued over its ban on such businesses, saying voters intended to allow adequate access to marijuana to displace the black market.

But the judge said there isn't enough evidence that Fife's ban conflicts with the will of the voters.

The would-be pot shop owner says he'll appeal.

KOMO News

Small city's lawsuit could derail state's recreational marijuana law

By GENE JOHNSON, Associated Press | Published: Aug 28, 2014 at 1:10 PM PDT (2014-08-28T20:10:26Z) | Last Updated: Aug 29, 2014 at 11:32 AM PDT (2014-08-29T18:32:3Z)



If the courts won't let Fife ban licensed pot growers, processors or sellers, the city wants the judge to address a second question: Should Washington's entire legal marijuana scheme be thrown out and all stores, like this one in Bothell, be closed?

FIFE, Wash. (AP) - To Tedd Wetherbee, the vacant storefront seems a suitable spot for selling pot. It's in a strip mall across from BJ's Bingo parlor, in a long commercial stretch occupied by fast-food joints, dry cleaners and massage parlors.

But like dozens of other cities in Washington, the small Tacoma suburb of Fife doesn't want Wetherbee - or anyone else - opening marijuana businesses, even if state law allows it. The arguments officials are making in a lawsuit over the dispute threaten to derail Washington's big experiment in legal, taxed cannabis less than two months after sales began.

A Pierce County judge on Friday is scheduled to hear arguments on two key issues at the core of Wetherbee's legal challenge to the ban. The first is whether Washington's voter-approved marijuana measure, Initiative 502, leaves room for cities to ban licensed pot growers, processors or sellers. If the answer is no, Fife wants the judge to address a second question: Should Washington's entire legal marijuana scheme be thrown out as incompatible with the

federal prohibition on pot?

"It's challenging the state's ability to create a legal and controlled market," said Alison Holcomb, the American Civil Liberties Union of Washington lawyer who drafted the law. "They're saying, 'We'll just take the entire regulatory system down.' "

Washington's experiment is built around the notion that it can bring pot out of the black market and into a regulated system that better protects public health and safety than prohibition ever did. In reality, there won't be legal marijuana businesses in much of the state: 28 cities and two counties have banned them, and scores more have issued long-running moratoriums preventing them from opening while officials review zoning and other issues.

In Fife, a community of 5 square miles and fewer than 10,000 people, the planning commission spent months working on a plan that would have allowed state-licensed marijuana businesses in the commercial zone where Wetherbee wants to open his shop. But the City Council this summer amended it to ban the businesses.

Council members expressed concern about the number of pot sellers who might open in Fife, uncertainty about the impact that would have on the community or police resources, and objections that the law doesn't direct any marijuana taxes back to the cities.

I-502 won 53 percent of the vote in Fife, and there's little reason to think legal pot businesses have a greater impact on a community than the black-market marijuana trade. Fife's ordinance directed the planning commission to review any data collected on the topic, leaving open the possibility it could reconsider.

Wetherbee says he's been paying almost \$3,000 in monthly rent on the storefront. He finally sued in Pierce County Superior Court, challenging Fife's zoning authority and the way the ban was adopted. "State law says I get to do business, and they're not letting us," he said.

The lawsuit has attracted a lot of attention, with the state, the ACLU chapter and other counties and towns filing briefs. The ACLU says that while Washington's liquor laws allow towns to ban alcohol sales, the pot law contains no such opt-out provision.

Cities can create zones for marijuana establishments, but they can't ban them, Holcomb said. If they could, it would undermine the will of Washington's voters in taking control of the black market.

Colorado, the only other state with legal pot for adults, expressly allows cities to ban pot businesses. Dozens have.

Attorney General Bob Ferguson has taken the position that I-502 did not negate local zoning authority to ban the shops, but he insists the state's law is not pre-empted by the federal Controlled Substances Act. He called Fife's arguments "a significant threat to the implementation of Initiative 502."

Fife is making the arguments the U.S. Justice Department declined to make last year, when it announced that it would allow legal pot experiments to move forward. When state and federal law conflict, federal law trumps. Some lawyers argue that for states to license the sale of a drug that's federally banned is an obvious conflict.

But Ferguson, the ACLU and Wetherbee's lawyers say the federal law contains a provision stating it trumps state law only in narrow circumstances. And as the U.S. Department of Justice suggested in its memo last year, there is no real conflict between state and federal law, they argue: By strictly regulating marijuana, prohibiting sales to teens and taking it away from criminal enterprises, the state is actually complementing the goals of the Controlled Substances Act, "to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances."

Fife's city attorney, Loren Combs, said too much is being made of the case, which is at its heart a zoning dispute. "It's really no bigger than just 5 square miles in Fife," he said.



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Jefferson County marijuana task force recommends ban on marijuana businesses

By Joe Vaccarelli
YourHub Reporter (mailto:jvaccarelli@denverpost.com?subject=The Denver Post:)

POSTED: 09/23/2014 11:34:54 AM MDT | UPDATED: ABOUT A MONTH AGO
56 COMMENTS (http://www.denverpost.com/southjeffco/ci_26589387/jefferson-county-marijuana-task-force-recommends-ban-marijuana#DISQUS_THREAD)

JEFFERSON COUNTY — The Jefferson County Task Force on Marijuana is recommending (<http://jeffco.us/bcc/volunteer-boards/marijuana-taskforce/>) that the Board of Commissioners not allow any marijuana businesses in unincorporated Jeffco, but the commissioners want more time to study the issue.

The volunteer task force released its 134-page report and presented it to the board Tuesday. The recommendation read that the licensing of marijuana establishments is "not consistent with the safety, health and welfare of the citizens of Jefferson County."

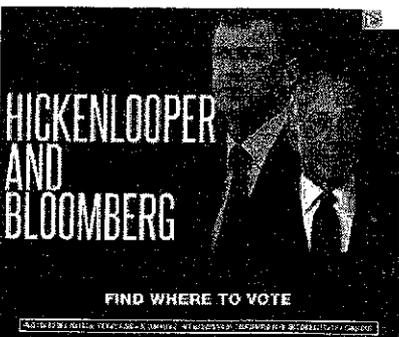
Jefferson County placed a moratorium on marijuana businesses in July 2013 after the passage of Amendment 64 in November 2012 (http://www.denverpost.com/ci_21041018/nation-watches-colorados-marijuana-legalization-vote). That moratorium is set to expire Feb. 1, 2015 unless more action is taken. The county also voted in April to prohibit marijuana clubs and to limit cultivation.

"I don't have enough data to make a decision," Commissioner Don Rosier said as the meeting wrapped up Tuesday.



A marijuana plant at a Colorado greenhouse. (Denver Post file photo)
contentItemRelationshipId=62595

The task force met eight times since being established in April



(http://www.denverpost.com/yourhub/ci_25235163/jefferson-county-looks-marijuana-task-force-volunteers) and studied data regarding impacts on public safety, public health, government and business. The members then voted on whether to "opt in" or "opt out" on marijuana. Eight of the members voted to opt out, two voted to opt in and one abstained.

The commissioners heard arguments from both sides, with Michael Elliott, executive director of the Marijuana Industry Group stating that the county should allow marijuana establishments. He said that county residents will have access to retail marijuana by either going to Denver or cities in Jefferson County that already allow retail pot businesses. By opting out, the county won't benefit from the tax revenue and the jobs the industry can create.

Dr. Mark Johnson, director of the county's health department, told the commissioners that studies have shown that smoking any substance is harmful and should not be allowed. He added that the county should take more time with the process.

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"It would be smart to hold off until we can get better data," Johnson said. "It's all over the place."

The commissioners will schedule another meeting with members of the task force within the next few weeks to ask more questions before deciding how to proceed.

Joe Vaccarelli: 303-954-2396, jvaccarelli@denverpost.com or twitter.com/joe_vacc (https://twitter.com/joe_vacc)

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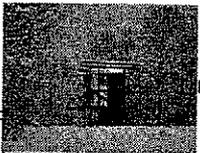
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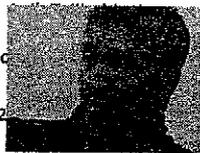
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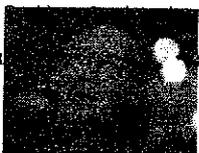
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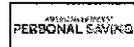
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Robber gangs terrorize Colorado pot shops



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Tony Dokoupil and Bill Briggs, NBC News
Wednesday, 5 Feb 2014 | 8:27 AM ET



Ed Kashi for NBC

Broken windows and doors are evidence of a recent burglary at the Timberline Herbal Clinic, owned by Yvette Williams.

One thief, posing as a delivery man, pulled a can of bear mace on employees and ransacked their marijuana shop, fleeing in a defensive cloud of "ultra-pepper" spray. Another opened the wall of a dispensary with an ax and attacked the store's safe with a circular saw. Still another stuck to the basics. He kicked in the front door and pointed his gun at the counterman. An accomplice kicked in the back door and filled a duffel bag with more than \$10,000 worth of high-quality cannabis.

For weeks now, the Mile High state has allowed the sale of recreational pot to adults, and so far the Rockies still stand. But crimes like the ones above, all of which occurred in Colorado in the last six months, have produced an acid-drip of anxiety in the industry, highlighting the

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dangers faced by those hoping to drag America's most popular illegal drug into the light. Because marijuana remains banned by Congress, banks and security firms deny services to most dispensaries. That leaves them cash-based and vulnerable, a magnet for criminals who like the idea of unguarded counting rooms and shelves lined with lucrative horticulture.

"Everyone in the industry is having nightmares," says Michael Elliot, executive director of the Marijuana Industry Group, a powerful young lobby in Colorado. "You hit a 7-Eleven, you'll get 20 bucks. You hit a dispensary, you'll get \$300,000 on a good day," adds Mitch Morrissey, District Attorney for Denver. "It's only a matter of time before someone gets shot."

(Read more: How legal marijuana could be the next great American industry)

Since 2010, the new pot barons have been required to install alarms and surveillance cameras, and most secure all cash and retail pot in a floor-bolted safe overnight. That helps limit losses, but the thieves keep coming. They throw bricks through windows, and tunnel under floors. One team tore away the locks on a grow house with a set of chains and a Subaru Outback. Another crashed an Audi through a warehouse door.

At first, most of the heists were softened by a kind of likable idiocy. Owners joked about the hapless fellow who zip-lined through an opening in a greenhouse roof, then lacked the oomph to climb his way out. Or the thief who kicked into an apartment above a pot shop, only to be chased off by the apartment's surprised owner, a member of the Denver Nuggets. Or the team that crowbarred into a dispensary in 2012, leaving with a broken scale and \$8 from a "karma jar" on the counter.

More recently, however, the crimes have sent a forked bolt of fear through the industry. Last summer, for example, a trio of gunmen "demanded Weed" from the workers at a dispensary called 420 Wellness, according to documents provided by the district attorney's office. As two of the gunmen filled "several trash bags" with award-winning marijuana, the third leapt over the counter and took a female employee by the elbow, leading her around the shop as a human insurance policy. Police caught up with that squad soon after they fled the scene, charging the ringleader with aggravated robbery and kidnapping.

But over the next six weeks, a different team of burglars hit at least eight dispensaries, and a third team is still on the loose after a stick-up at New Age Wellness in nearby Boulder County. Moments after closing time, two men dressed in baby-blue ski-masks burst in, pointed guns, and cleaned out the little mountain depot. "It's an epidemic," says one of the employees, who declined to give his name for safety reasons. "Everything is a lot tighter now. It isn't so homey anymore."

(Read more: Marijuana refugees face real estate challenges)

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SMALL BUSINESS



What's at stake this election

In the midterms Tuesday, businesses in some states have much at stake with measures that may impact marijuana and minimum wages.



Small business borrowing surges

U.S. small businesses boosted borrowing in September to its highest level in 7½ years, according to data released Monday.



As gas prices fall, Main St. hopes rise

As fuel prices fall, businesses are wondering if energy cost savings will translate into more consumer spending.

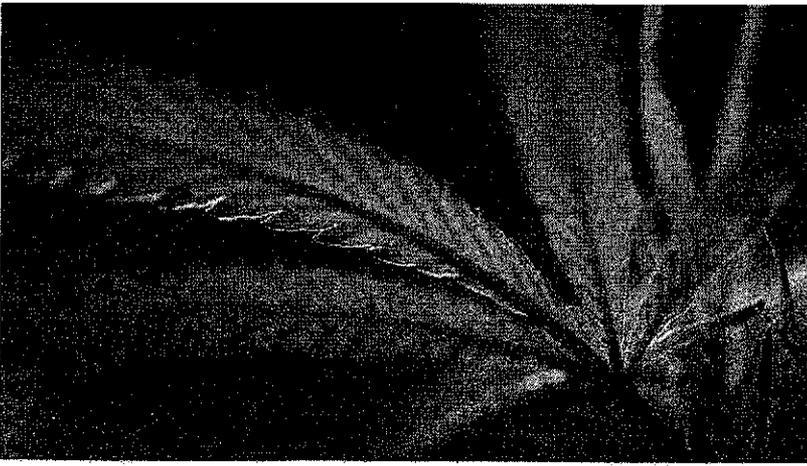


Main St. not cheering low interest rates

While interest rates remain historically low, Main Street business owners largely are on the fence about accessing capital.

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To judge by the data, it's not so homey anywhere in the region's marijuana market, where attempted theft has gone from a concern to a near-certainty. In 2009, the Denver Police Department estimated that about 17 percent of marijuana retail shops had been robbed or burglarized in the last year. That was good news: a bit less than liquor stores (20 percent) and banks (34 percent), and on par with pharmacies.

Today, however, a darker picture has emerged. There are about 325 marijuana companies in Denver, based on an analysis of licensing data done for NBC News by Marijuana Business Daily, a leading trade publication. (Most companies hold numerous licenses.) At the same time, there have been about 317 burglaries and seven robberies reported by these companies in the last two years, according to police data. That's an annual robbery and burglary rate of about 50 percent, more than double what it was in 2009.

While a Denver Police spokesperson disputed these figures, the department doesn't have its own. What is available suggests a troubling parallel development: as the industry has grown, its access to banking and security has declined, and crime has soared. What spurred the sudden loss of services remains a mystery, although many dispensary owners blame it on pressure from the Drug Enforcement Administration, which has called Colorado's experiment "reckless and irresponsible."

"It's like they're trying to precipitate some sort of disaster," says Norton Arbelaez, the founder of River Rock, one the Denver's larger dispensaries. "It's like they think: 'If we can precipitate some sort of public safety issue, maybe we can stop it.'"

(More from NBC News:

Poll: Majority of Americans support efforts to legalize marijuana

Denver's pot culture gets down to business

Pot-friendly states can't really stop carry-on weed)

The Obama administration says that it's working on new regulations that will allow banks to hold accounts for legal marijuana businesses. But Jack Finlaw, the chief legal counsel to Colorado's governor doesn't think that will be enough. As long as marijuana remains illegal under

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the Controlled Substances Act, he says, banks, security firms and indeed most traditional businesses will be wary of aiding what amounts to a state-sanctioned federal crime. "Congress really needs to act," he says. "I don't see a quick fix."

Meanwhile, the collateral damage continues to mount. Some dispensaries may be hit five times and others none at all, but on average every marijuana-related business in Denver can now expect a taste of the crowbar or the gun at least once every two years.

'Feeling less than safe'

"I think everyone has been robbed at least once," says Jonathan Salfeld, the owner of Local Product of Colorado, which has been broken into twice, despite being located a block from Denver Police headquarters. "It leaves you feeling less than safe," adds Elan Nelson, the director of business development at Medicine Man, one of the largest dispensaries in Denver. She says her last dispensary was broken into four or five times, and employees began to watch the door, wondering when the thieves would decide to try work hours.

Yvette Williams of Timberline Herbal Clinic is facing that same feeling, after suffering three break-ins in four years. The most recent heist was last month, amid a rash of seven burglaries in Denver in the first 11 days of legalization. The thieves came at night, taking \$1,000 in edible pot and leaving \$6,000 in damages. "We just don't know what to do," she says. "We're at a loss."

For the moment, Coloradans can still cling to a pebble of solace: no one has ever been killed in a state-licensed marijuana dispensary. Expect that to change, says Denver District Attorney Mitch Morrissey. Last summer he told the city council that there have been a dozen homicides "directly" related to mom-and-pop residential marijuana grows, which have been legal in the state since 2000.

The editorial page director of the Denver Post accused him of "blowing smoke," but Morrissey is now going further, predicting a spike in "strong-arm, bank-style, mask-and-gun robberies," as the old violence of the residential market spills into the new world of legalized marijuana from seed to sale. "You know, they say this is going to bring in tax revenue for our schools. Well, I don't deal with that. I deal with dead bodies."

The worst violence has been in California, where in 2010 a gunman forced workers down on the ground, robbed their medical marijuana dispensary, and returned moments later to shoot both in the back of the head. But the fate that's really spreading terror in Colorado fell just shy of murder.

It began when three men broke into the home of a dispensary owner in Newport Beach, Calif., according to police reports that surfaced last fall. They zip-tied the man, dragged him into a van, burned him with a blow-torch, doused him in bleach, severed his penis, and then drove away with it—all in a bid to learn where he was hiding his cash. Now Elliott, the industry lobbyist, appends press releases with an unusual

note: "To understand the importance of fixing banking, please read this story: 'Marijuana clinic owner penis cut off.'"

Safeguarding cash transports

The industry is certainly taking the crime threat seriously. Dispensaries are sinking cash into bulletproof glass, Mission Impossible-style fingerprint scanners, and guards—lots of guards. A marijuana militia of sorts is building across the state, a force big enough to safeguard six-figure cash transports, seven-figure inventories and assets, and thousands of justifiably paranoid employees.

As with the criminals, some of the guards are less than intimidating. The owner's elderly (and doze-prone) uncle is the designated watchman inside one Denver dispensary. At another dispensary a guard considers his biceps "the only guns I need." But at least two major security firms—one purely marijuana-focused, the other an all-purpose global heavyweight—have ridden in to rescue Denver in the last year.

The first was Blue Line Protection Group, launched in August by Ted Daniels, a retired police officer and U.S. Army veteran who served in Afghanistan. He cuts a rather secure figure himself, with muscle that jumps from shoulder to ear, and shades wrapped around a bald pate. He has hired more than 40 guards, most with special ops experience.

"If you're going to fight the best," as he likes to say, "you better have the best."

(Read more: Colorado's pot economy has growing pains)

Holy smoke! Pot shortage hits Colorado

Thursday, 9 January 2014 | 5:43 PST | 03:24

In a little over a week since the legalization of recreational marijuana, residents of the Centennial State are already running out of cannabis as demand begins to outweigh supply and prices skyrocket, reports CNBC's Jane Wells.

His firm has landed about 30 contracts so far and is adding about one a day, according to Daniels, who charges between \$5,000 and \$15,000 a month. Most of the contracts come right after a break-in or a robbery, he says, and none have been hit again with his team on the scene. "I think criminals are afraid," he says. "I don't think they want to deal with my guys."

At Medicine Man, where Daniels has provided security since January 1st, there are now six cash registers and an armed guard for each one, plus another at the door. At the end of the day, after spraying the cash

with Febreze to mask the scent, employees stuff it into tamper-resistant clear plastic bags, which Blue Line escorts downtown and into the company's vault.

If they face a robbery, they may call 911, but they're authorized to return fire. Every day now at New Age Wellness, in Boulder County, steps from the counter where the peace buds are sold, a warning sign is emblazoned with the words, "DEADLY FORCE." In front of the sign is a Blue Line guard, Glock on his hip.

"One of my guys, I think, can probably easily hold off five to 10 guys by himself," says Daniels, who appreciates the irony of blending what is essentially police work with the protection of a product that he used to bust people for using. For most of his guys, however, the product doesn't matter.

Daniels allows them to partake of the plant they're guarding, as long as they quit it at least 10 hours before reporting to duty, but they're in it for the conflict.

"We thrive on going out," says Keith Wood, a former Army Ranger who deployed to both Iraq and Afghanistan, before coming home to become Blue Line's operations manager. "I'm not going to run away," he said in an interview. "I could die today on the job. We don't know. But that's another reason to bring veterans in. That's how we're trained to think."

The competition comes from former Denver city councilman Ed Thomas, a 23-year veteran of the Denver Police Department. He recently partnered with CSC-USA, a California-based company that touts security gigs during two World Cups, four presidential inaugurations, and 30 Super Bowls. He's got two contracts so far and expects that number to grow.

"There are some really bad guys out there," he says. "It's just a matter of time until ... well, I don't even want to go there."

—NBC News

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Janet Lee Williams, 60, has been at the property for 29 years and was born in Prosser, the application said. The couple own a carpet-cleaning business and has lived together at the property for 17 years, roughly about the length of time they have been married.

Randall Williams, 52, has a criminal history, including convictions for grand larceny, theft, eluding, driving under the influence and cocaine possession, according to the application. He also spent five years in federal prison for cultivating marijuana in 1990, the application said.

Criminal history does not automatically disqualify an applicant. The Liquor Control Board uses a point system when considering an application.

They have not yet applied for building permits from Benton County.

So far, the county has issued building permits to three people asking for fencing or storage buildings related cannabis grows in unincorporated Benton County. Two of them are near Prosser.

Another is in review.

Those have not been licensed by the state yet.

The city of Prosser has no additional restrictions on recreational marijuana businesses other than those in state law. However, the city has a moratorium on medicinal use, while the City Council has been discussing banning medicinal use.



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Deborah Burksfield · Top Commenter · Yakima, Washington

My personal thoughts are amply expressed by Leonard Cohen's "Hallelujah" <http://www.music.com/video/leonard-cohen/hallelujah-3/17305740001>

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Jade Deyo · Top Commenter

this is great news for the valley. unfortunately it doesn't do anything to remedy the fact that, as of yet anyway, there will be no LEGAL retail outlets for selling marijuana in the valley. beings as pot is LEGAL in our state now, what this means is that local governments have declared OPEN SEASON for the black market to continue to supply marijuana to those that want it. this makes no sense to me.

Reply · Like · Follow Post · May 14 at 1:06pm



Alta Ball · Office Work at Real Estate Companies, Hanford area, self employed

so if it is illegal by Federal Law, how can it be legal at all??? I have been a customer of this carpet cleaning company for a long time and I am no longer going to do business with them I only do business with people who obey federal law

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After 6 months, legal pot in Colorado a mix of highs, lows; related crime down, impaired driving up

BY: [Lindsay Watts \(mailto:lindsay.watts@kmggh.com\)](mailto:lindsay.watts@kmggh.com)

POSTED: 5:50 PM, Jun 26, 2014

UPDATED: 9:48 AM, Jun 28, 2014

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DENVER - Nearly six months after Colorado became the first in the world to sell legal recreational marijuana, industry advocates are playing up the high points -- specifically an economic boom and crime in Denver actually declining.

"I think a lot of people are looking at Colorado, and when you see crime going down, that's a huge sign of success," said Michael Elliot, executive director of the Marijuana Industry Group.

"I think so many things people were scared about have been shown to be nonsense."

The first four months of recreational pot sales has brought in nearly \$11 million in tax revenue, demand for real estate has gone up, and the marijuana industry estimates there are currently 10,000 people working in the business.

On Thursday, the state announced that during 20 undercover operations to test if pot shops would sell to minors, not a single store sold to a child.

"The Division prides itself on ensuring public safety; we are pleased with the results and will continue to monitor the businesses to ensure that the compliance efforts are maintained," said Lewis Koski, Director of the Marijuana Enforcement Division.

But while the state hasn't gone up in smoke, not everyone agrees Colorado is better off and safer.

The state's largest provider of community detox centers, Arapahoe House, reported this week that DUI admissions involving marijuana have nearly doubled since legalization.

In 2013, 8 percent of admissions were accused of driving under the influence of marijuana, and now that's up to 15 percent.

"We're only seeing recreational legalization in it's infancy, but it's already having an impact on public safety," said Araphoe House spokeswoman Kate Osmundson.

7NEWS found small children continue to get their hands on marijuana, particularly edibles.

The Rocky Mountain Poison Control Center said, so far this year it's had 19 calls from people reporting pot ingestion by children younger than 5 years old.

Children's Hospital Colorado said it's treated 11 kids who've ingested edibles marijuana, six of whom have become critically ill.

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CRIME & DRUGS (/TOPIC/CRIME-DRUGS)

Denver's Crime Drop Might Have Nothing To Do With Marijuana Legalization

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By Jordan Larson (/contributor/jordan-larson)

June 9, 2014 | 3:55 pm

It came as no surprise that Colorado's recent legalization of marijuana was accompanied by panicky claims that crime would increase dramatically as a result. In September 2012, Douglas County Sheriff David Weaver warned that "there will be many harmful consequences" and to "expect more crime, more kids using marijuana, and pot for sale everywhere."

But, according to recent statistics from Denver's Department of Safety (http://www.denvergov.org/Portals/720/documents/statistics/2014/UCR_Citywide_Reported%20Offe) crime is actually on the decline. In its comparison of certain violent and property crimes between January 1 and April 30, 2013, and the same period this year, the department reported an overall 10.6 percent drop.

After all the doomsaying surrounding marijuana legalization from politicians and other opponents, it's tempting for some to call Denver's decrease in crime an outright victory for legalization.

The numbers show slight declines in rates of sexual assault, aggravated assault, robbery, and burglary, with a slight increase in larceny and a large increase in arson, but most of the decline is attributable to changes in homicide and thefts from motor vehicles, which declined 52.9 and 36.3 percent, respectively.

The end of weed prohibition is still a long way off. Read more here.

(<https://news.vice.com/article/the-end-of-weed-prohibition-is-still-a-long-way-off>)

There were eight homicides in the first quarter of 2014, compared to 17 in 2013; however, in the same period in 2012 and in 2011, there were 13 and 12 murders respectively, indicating that 2013's large number may be the outlier here.

But there was a massive decline in theft from motor vehicles between this year and last, decreasing from 2,317 incidents to 1,477.

'I'm always very careful to not mistake correlation with causation, and I think it's too early to necessarily draw a conclusion that there's a causal relationship here.'

Chris Wyckoff, director of the Data Analysis Unit at Denver Police, told VICE News that a change in police tactics could have had a significant effect on the decline in crime, especially in incidents of theft from motor vehicles.

"Starting at the beginning of this year we implemented a focus area policing tactic, and each week the lieutenants are looking at where they need officers to focus on, based on the crime patterns or crime issues emerging in their areas, and targeting those areas when they have time to patrol," Wyckoff said. "So we're finding some great effects from that."

Legal pot in the US is crippling Mexican cartels. Read more here.

(<https://news.vice.com/article/legal-pot-in-the-us-is-crippling-mexican-cartels>)

Wyckoff was hesitant to derive any kind of correlation between the city's decline in crime and the recent legalization of pot.

"A lot of times, if marijuana's involved, it's a subsidiary type of crime or component of a crime, so it doesn't come out as being causality, and we aren't able to show that within the crime stats," she said. Wyckoff noted that possible criminal effects of marijuana legalization could show up in increase burglaries of dispensaries, for instance. "Other than that, it's been very challenging to see any kind of direct correlation."

Mason Tvert, director of communications at the Marijuana Policy Project, was also hesitant to draw conclusions from the crime drop. "I'm always very careful to not mistake correlation with causation, and I think it's too early to necessarily draw a conclusion that there's a causal relationship here," Tvert told VICE News. "It certainly suggests that opponents' fears of crime increasing are unfounded."

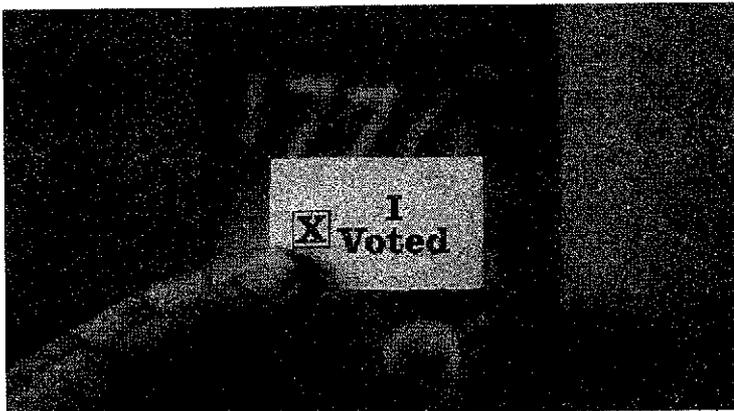
So while these numbers show marijuana legalization hasn't lead to an increase in crime in the Mile High City, they also don't show the opposite: that it has decreased crime. Until more information is available, the most that these figures show is that legalization hasn't single-handedly destroyed Denver.

Follow Jordan Larson on Twitter: @jalarsonist (<https://twitter.com/jalarsonist>)

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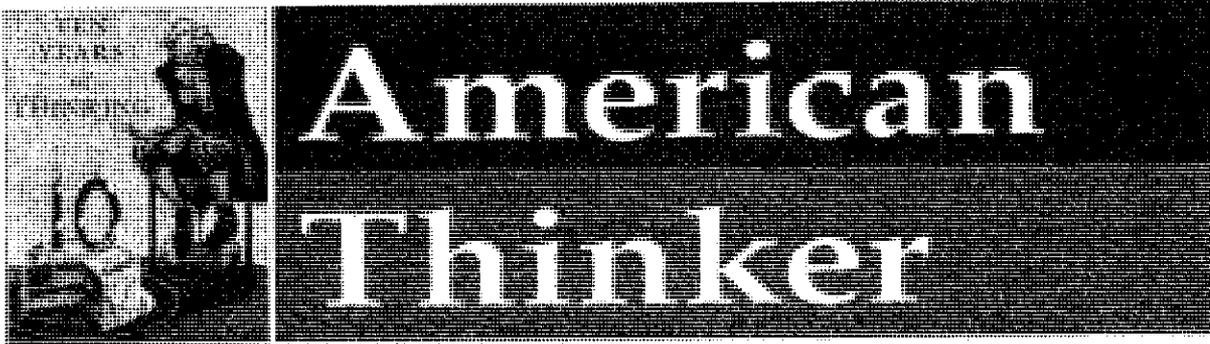
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April 9, 2014

Pot Legalization and Crime Rates in Denver, Colorado

By Sierra Rayne

Over at Ezra Klein's new site, Vox.com, German Lopez has an [article](#) claiming to show that Colorado's recent marijuana legalization experiment hasn't increased crime rates in Denver. In contrast, when we actually look at the raw data Lopez uses, the message isn't so clear. In fact, using Lopez's own methods, we might conclude pot legalization has dramatically increased crime in Denver.

Lopez claims that "three months into its legalization experiment, Denver isn't seeing a widespread rise in crime." To reach this conclusion, Lopez uses Denver's crime data (available [here](#)) for the months of January and February in 2013 and 2014. When I look at the data, I see some potentially different findings.

Over the first two months of 2014, "simple assaults" in Denver are up an astonishing 70% over the same timeframe in 2013. The crime of "intimidation" is up 86%, and all "crimes against persons" have increased 32% compared to 2013. But the real changes are evident in the "all other offenses" category. Here we see that "disorderly conduct/disturbing the peace" has increased 1,144% (from only 18 offenses in 2013 to 224 in 2014), "family offences/nonviolent" are up 97%, "liquor law/drunkenness" is up 1,150%, "violation of a restraining/court order" increased 87%, "criminal trespassing" is up 339%, and the "all other offenses" subcategory have increased 400%.

Of course there is also data available back to 2009 that illustrates the anomalously high incidence level for these offenses during the first two months of 2014 following marijuana legalization, as shown in the table below.

Year	Simple assault	Intimidation	All crimes against persons	Disorderly conduct/disturbing the peace	Family offences/nonviolent	Liquor law/drunkenness	Violation of a restraining/court order	Criminal trespassing
2009	464	61	1027	6	51	0	72	34
2010	396	69	941	13	46	1	69	31
2011	426	65	997	19	42	0	62	38
2012	456	83	1024	19	46	0	69	37
2013	413	94	1026	18	36	2	76	40
2014	584	175	1354	224	71	25	142	215

The number of offenses in each of these categories during January and February of 2014 are, by far, the highest over Denver's available historical record, in some cases by more than an order of magnitude.

Time will indeed tell what impact pot legalization has on crime rates in Colorado, but the early results do not appear promising for legalization proponents.

REPORTED OFFENSES IN THE CITY AND COUNTY OF DENVER BY MONTH

TYPE OF OFFENSE	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec		Total
	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	
CRIMES AGAINST PERSONS																									
Murder	4	2	5	1	3	5	5	2	2	2	2	2	4	3	5	5									30
Aggravated Assault	207	191	142	172	213	197	177	169	216	255	212	224	238	218	280	240									1,655
Forcible Sex Offenses	74	62	52	47	66	52	61	66	91	66	77	65	63	63	75	48									559
Non-Forcible Sex Offenses	1	4	3	0	2	1	4	0	2	0	0	0	3	1	3	1									18
Kidnaping/Abduction	15	13	19	17	13	16	18	13	13	18	19	19	17	16	22	21									133
Simple Assault	211	371	202	337	254	302	204	311	340	417	422	418	403	441	372	436									2,408
Intimidation	48	81	46	102	50	78	40	69	73	97	113	90	92	96	96	85									556
SUBTOTAL	560	724	463	678	601	701	509	649	731	855	845	819	820	838	831	936									5,372
Asson	1	10	11	20	5	20	6	8	10	11	14	10	11	14	12	12									70
Bribery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1									2
Burglary	443	451	330	348	357	356	397	323	438	395	444	410	476	371	499	415									3,384
Counterfeiting/Forgery	8	9	2	16	13	18	17	20	9	18	13	20	20	5	15	5									97
Criminal Mischief/Damaged Property	471	462	381	406	415	487	435	468	497	516	593	519	617	590	531	542									3,990
Embezzlement	9	0	2	0	0	2	3	1	4	1	1	2	1	0	3	0									23
Extortion	0	2	0	0	1	1	0	4	1	0	0	4	1	2	1	0									10
Fraud	76	67	57	84	77	81	96	103	68	73	64	60	77	62	57	69									572
Larceny	562	622	496	513	538	644	562	613	727	667	750	697	876	752	808	807									5,335
Theft from Motor Vehicle	731	441	589	328	510	388	500	359	583	593	600	455	616	522	561	574									4,690
Motor Vehicle Theft	332	327	259	252	265	250	267	240	284	287	287	314	303	320	299	301									2,291
Robbery	117	121	78	62	85	71	72	81	85	85	95	83	121	104	110	95									763
Stolen Property	14	14	9	6	10	12	7	9	5	13	10	10	10	12	11	10									74
SUBTOTAL	2,784	2,526	2,114	2,035	2,276	2,330	2,362	2,225	2,714	2,480	2,871	2,584	3,133	2,743	2,904	2,771									21,257
Drug/Narcotics Violations	201	184	187	210	152	233	171	242	176	209	192	208	219	206	228	263									1,508
Gambling	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0									3
Child Pornography	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0									0
Child Pornography	7	1	2	4	7	1	6	3	4	2	3	6	5	6	10	0									44
Weapon Law Violations	37	40	22	53	30	36	46	63	46	63	37	43	50	67	42	64									301
SUBTOTAL	245	225	211	267	197	237	207	241	226	274	222	258	272	276	272	327									1,858
Fraud - NSF - Closed Account	0	0	0	0	0	1	2	1	2	1	1	1	0	2	0	2									7
Carjacking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0									1
Disorderly Conduct / Disturbing the Peace	8	118	9	107	10	123	10	123	51	123	145	141	138	139	134	132									596
Family Offenses / Nonviolent	19	42	20	29	21	38	32	47	39	37	46	37	44	38	38	42									340
Liquid Law/Drunkness	1	11	1	14	1	18	1	17	7	17	16	15	21	14	19	23									87
Other Sex Offenses	27	30	23	24	28	26	33	27	32	33	35	34	26	29	35	23									238
Viol of a Restraining/Court Order	34	82	42	65	38	73	47	93	48	92	72	75	81	83	79	87									441
Harassment	29	16	28	28	28	29	24	23	28	33	41	24	28	28	34	26									240
Criminal Trespassing	26	97	23	119	19	126	28	130	73	121	105	127	119	138	125	127									518
All Other Offenses	30	148	27	138	42	179	43	173	110	166	198	165	177	219	215	194									842
SUBTOTAL	172	544	173	526	788	614	219	636	380	626	659	618	636	684	681	656									3,118
GRAND TOTAL	3,762	4,018	3,057	3,604	3,952	3,942	3,297	4,097	4,235	4,987	4,779	4,868	5,544	4,888	4,998	4,998									31,805

All files utilized in the creation of this report are dynamic. Dynamic files allow additions, deletions and/or modifications at any time, resulting in more complete and accurate records in the databases. Due to continuous data entry, after reports are compiled, numbers may vary in previous or subsequent reports. Data downloaded 9/7/2014.

PREPARED TO DEPARTMENT OF SAFETY PUBLIC INFORMATION STANDARDS

Excludes runaways, traffic offenses, unfounded reports and non-criminal activity. Due to changes in data collection (US&C process) the data is normalized to compare 2013 to 2014.

In May 2013 the Denver Police Department implemented the Unified Summons and Complaint (US&C) process. This process unifies multiple types of paper citations, excluding traffic tickets, into an electronic process. That information is transmitted to the Denver Sheriff, County Court, City Attorney and District Attorney through a data exchange platform as noted. As a result of this process a reported offense is generated which was previously not captured in National Incident Based Reporting System (NIBRS). For comparison purposes, crimes which were captured due to the US&C process were excluded from the data when comparing 2012 to 2013. An additional column has been added to the tables which reflects the actual number of crimes.



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Legalize It?

Should pot be legalized in the? Vote

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April 12, 2014

Interpreting Denver's Crime Rates before and after Pot Legalization

By Sierra Rayne

In a prior [article](#), I discussed the potential relationship between massive increases in the numbers of some criminal offenses in Denver, Colorado, between January and February 2013 and 2014 and the start of state-regulated recreational marijuana sales on January 1, 2014. What is certain is that, in contrast to the [claims](#) over at Vox.com, crime rates in Denver between the first two months of 2013 and 2014 are not unchanged, and certainly not generally declining.

Some commenters on my article noted that Colorado had also changed its gun laws during 2013, and wondered if this could possibly explain some of the recent changes in crime rates. When we look at when the crime rates for offenses that have spiked during the past year actually began their rapid rise, it is clear that rates started to increase substantially in May 2013, and then increased much more in June 2013, after which they have been approximately stable at this significantly higher level. Could this be due to Colorado's gun law changes? This may play a minor background role, but – given [their timing and nature](#) – these firearms restrictions are not likely the cause of the skyrocketing crime rates for most offenses during May/June 2013.

What happened in May 2013? On May 8, the Colorado legislature [passed](#) bills regulating the manufacture, sale, distribution, and use of recreational marijuana. In late May 2013, the governor signed the bills into law. On January 1, 2014, the first stores in the state to sell pot for recreational use [opened](#).

It was during May and June 2013 that crime rates in Denver for offenses such as simple assaults, intimidation, disorderly conduct/disturbing the peace, family offenses/nonviolent, liquor law/drunkenness, violation of a restraining/court order, and criminal trespassing went through the roof effectively overnight (in some cases by almost two orders of magnitude when compared either to the same month in 2012 or to only a few months prior). Could Denver law enforcement just have started cracking down at much higher levels during this timeframe in an attempt to send a strong public message in response to these bills being signed into law? Certainly. A law enforcement crackdown could also have been timed to send a message regarding increased gun restrictions, but this seems to be a background issue.

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If the enhanced gun restrictions were behind these increases, we would probably also expect increasing rates of other – more violent – crimes against persons, such as murder, aggravated assault, sex offenses, and kidnapping/abduction, between 2012 and 2013. But we don't see that. Rates for these crimes are generally unchanged, or even slightly declining, after the 2013 gun laws came into effect.

The isolated increases in less violent crimes such as simple assaults and intimidation are more consistent with marijuana legalization and/or a law enforcement crackdown than with increased gun restrictions.

The Occupy movement is also not likely a direct cause of the May/June 2013 crime rate increases on its own. The Occupy movement is often strongly linked to marijuana legalization, so if you promote the latter, you encourage the former to build their base and engage in socially disruptive activities. If you build it, they will come, and Colorado is building a base for an entrenched and emboldened Occupy movement through its legalization of pot. This is a built-in mechanism for increased crime rates.

What is often overlooked in terms of pot legalization are the indirect messages that easing/removing marijuana laws sends to the public, and in particular to those with antisocial, rebellious, and/or criminal tendencies. Yes, there are direct impacts of pot legalization – namely, people getting high and engaging in socially irresponsible/criminal behavior due to impaired judgement and other psycho/physiological factors. But marijuana laws, especially in the United States, have massive social stigmas. Over decades, smoking pot represented for many a de facto dividing line between those citizens who were generally law-abiding and followed the rules of a civil society and those who did not. Consequently, we may expect the indirect impacts of legalizing marijuana to be as significant as – if not more so than – the direct impacts.

Rightly or wrongly, marijuana laws are a “sentinel species” (i.e., they represent much more than just the simple intent to restrict a banned substance), and knowing that a substance will be legalized in the near future can also lead to direct effects showing up prior to the actual legalization date. Access to pot is easy, and once a substance such as marijuana is placed on the legalization path, many members of the public will assume (often correctly) that enforcement of the existing (but soon to not exist) restrictions by law enforcement will cease or be severely curtailed. Thus, we wouldn't necessarily expect the crime rate impacts of marijuana legalization to show up at the moment the substance formally becomes legal. We may just as reasonably expect the criminal effects to manifest the moment the public is told the substance will become legal in short order.

Marijuana legalization also sends a message that the traditional multi-decadal law-and-order approach to governing society is generally being relaxed. This empowers some to engage in activities that they might not do otherwise; call this the spin-off criminal impacts of pot legalization. In other words, the reasoning used by some is if we are getting lax on pot, we'll be soft on crime overall.

The timing of Denver's crime rate explosion for various offenses is consistent with this more nuanced interpretation. While the implementation of greater firearms restrictions in early to mid-2013 may have played a role, the dominant influence appears to be that either the Denver police engaged in a message-sending crackdown starting soon after the state legislature passed the pot legalization bills, or the indirect and direct impacts of marijuana legalization started as soon as the state government indicated the path to regulated recreational marijuana sales had begun (or both). In any case, these impacts are the result of marijuana legalization in Colorado. The data is irrefutable.

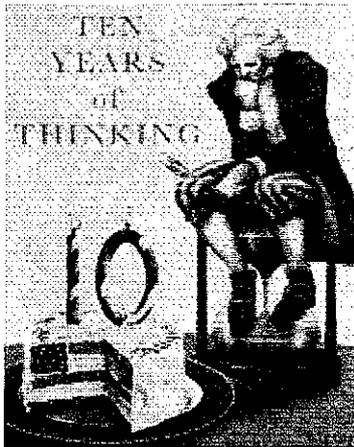
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April 23, 2014

The Effect of Medical Marijuana Laws on Violent Crime

By Sierra Rayne

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A recent study in the peer-reviewed journal *PLOS ONE* examined the effects of medical marijuana legalization (MML) on crime rates. The work has garnered some notable media attention. The authors of the study noted that their "findings run counter to arguments suggesting the legalization of marijuana for medical purposes poses a danger to public health in terms of exposure to violent crime." Further investigation of this study is required.

The study used data "between 1990 and 2006 [that] were obtained from the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program." As the authors note, "between 1990 and 2006, the following 11 states legalized marijuana for medical use, with the year the law was passed in parentheses: Alaska (1998), California (1996), Colorado (2000), Hawaii (2000), Maine (1999), Montana (2004), Nevada (2000), Oregon (1998), Rhode Island (2006), Vermont (2004), and Washington (1998)." One obvious question comes to mind: how do

you examine MML effects on crime rates using a dataset that ends in 2006 when there are states such as Rhode Island that only legalized medical marijuana in 2006? And a two-year post-MML dataset for states such as Montana and Vermont, which legalized the medical use of this narcotic in 2004, seems very short for trend analysis.

Overall, primary concerns with the study appear to be the short, and inequivalent (i.e., not all MMLs occurred in the same year among the states) pre- and post-MML timeframes chosen for these states, as well as the limited -- and somewhat unusual -- choice of sociodemographic control variables (e.g., percent of the civilian labor force unemployed; the total employment rate; percent of the population living below the poverty line; real per-capita income; the proportion of residents aged 15-24; the proportion of residents aged 25-34, the proportion of residents aged 35-44 years; the per-capita rate of beer consumption; the proportion of residents with at least a bachelor's degree; the percent of the state's population that lived in a metropolitan area; number of prison inmates per 100,000 residents; and the number of police officers per 100,000 residents). Certainly having "beer shipments (31-gallon barrels) per 100k" as a variable seems odd. Some of these variable may also display extremely high intercorrelation of predictors, or multicollinearity, which is a major faux pas in traditional multiple linear regression approaches.

When I look at the FBI's UCR data for violent crime rates, which are available between 1960 and 2012, I see some potentially different results. Controlling for all possible underlying variables is clearly desirable, but effectively impossible. The choice of control variables can often predetermine the findings, a problem commonly observed in econometrics. For a first-cut analysis, looking at trends in crime rates before and after MML in each state can be informative. If this approach agrees with the study results, we can assume the study's results are likely on solid footing. If not, perhaps the study did not reach the correct conclusions and warrants further examination.

The following table shows the date of MML in each state, along with the change in violent crime rate before and since MML. To compare with the post-MML change in violent crime rates, the corresponding change in the US national violent crime rate is provided, along with the pre-MML change in crime rate (using the same time length as for the respective post-MML period) for both the state and the nation as a whole. In other words, if a state had MML in 2000, the post-MML period would go from 2000-2012 and the pre-MML period from 1988-2000 (i.e., 12 years in both directions).



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State	MML date	Change in violent crime rate			
		In-state before MML	USA overall before in-state MML	In-state since MML	USA overall since in-state MML
Alaska	1998	5%	5%	-8%	-32%
California	1996	-3%	7%	-51%	-39%
Colorado	2000	-20%	-21%	-8%	-24%
Hawaii	2000	-5%	-21%	-2%	-24%
Maine	1999	-24%	-16%	10%	-26%
Montana	2004	82%	-27%	-7%	-16%
Nevada	2000	-33%	-21%	16%	-24%
Oregon	1998	-17%	5%	-41%	-32%
Rhode Island	2006	-23%	-5%	10%	-19%
Vermont	2004	-5%	-27%	24%	-16%
Washington	1996	5%	5%	-31%	-32%

In the period before MML, eight (Alaska, California, Colorado, Maine, Nevada, Oregon, Rhode Island, and Washington) of the eleven states had violent crime rates that were declining faster than, or equivalent to, the national rate (highlighted in green). The remaining three states (Hawaii, Montana, and Vermont) had pre-MML violent crime rate changes that were not declining as much as the national rate (highlighted in red).

Compare this to the equivalent length post-MML period. Now only two of the states (California and Oregon) have violent crime rates declining more rapidly than the national rate. The other nine states all have rates that are either increasing post-MML (Maine, Nevada, Rhode Island, and Vermont) or not decreasing as rapidly (Alaska, Colorado, Hawaii, Montana, and Washington). The violent crime rate trend reversal in Maine, Nevada, Rhode Island, and Vermont following MML is notable. All these states had declining violent crime rates before MML, and now have increasing violent crime rates since MML, whereas the corresponding national rate has declined rapidly in the post-MML periods.

The national violent crime rate peaked in 1991, similar to that of Alaska (1995), California (1992), Colorado (1992), Hawaii (1995), Nevada (1994), Rhode Island (1991), and Washington (1992). The violent crimes rates peaked at different times in Maine (1977), Montana (2007), Oregon (1985), and Vermont (1979). The graphs below show the violent crime rates (per 100,000 population) since 1960 for each state, as well as the national rate. The red dashed lines indicate the date the MML law was passed. Unfortunately, the mainstream media rarely shows the public actual data like this, thus allowing unsupported generalizations to routinely be made that the public cannot check for themselves.

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Colorado pot shops likely targets of cartels, say experts

By Joseph J. Kolb

546

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2838

Published January 11, 2014

foxnews.com



Employees roll joints behind the sales counter at Blackline Marijuana dispensary in Denver. (AP)

As the smoke settles from the first week of legal marijuana sales in Colorado, experts are warning that sanctioned pot dealers could become targets for the very folks they put out of business.

Taking over a trade once ruled by drug cartels and turning it into an all-cash business could make pot shops prime targets

for extortion, black-market competition and robbery. One veteran border narcotics agent told FoxNews.com Colorado's legal pot industry will find it hard to keep the criminals from horning in on a lucrative business they once controlled.

"What is quite possible is that cartels will hire straw owners who have clean records who can apply for a license, then sell large quantities both legally and on the black market."

- Denver DEA office spokesman Albert Villasuso

"Mexico is already in Colorado without the risks," the agent, who requested anonymity, said of the state's heavy pre-existing cartel presence. "Legal businesses will likely see a rise in extortion attempts while law enforcement will see a lot of backdoor deals being made."

Cartels, especially the Juarez and Sinaloa, who have a strong presence in Colorado, could not have been happy with the estimated \$1 million in sales Jan. 1, the first day of legalized retail sales. In 2012 the Mexican Competitiveness Institute issued a report saying that Mexico's cartels would lose as much as \$1.425 billion if Colorado legalized marijuana. The organization also predicted that drug trafficking revenues would fall 20 to 30 percent, and the Sinaloa cartel, which would be the most affected, would lose up to 50 percent.

Faced with such losses, the violent cartels could force their way in as black market wholesalers or simply rob pot dispensaries, which take only cash and have not been able to establish accounts with banks because of lenders' fears of violating federal laws. But the general consensus is that the Mexican cartels will not quietly relinquish the Denver market.

The owner of the Colorado Springs dispensary told the Denver Post he is planning to get a concealed-weapons permit, for protection when he has to move money out of the store.

"Any way you plan it out, there's going to be a large amount of cash around," he said. "And that's extremely scary."

Denver police are taking a wait-and-see posture as to what may emerge.

"It's only been a week, so we still have to sit back and see how this will play out," Denver Police spokesman Sonny Jackson told FoxNews.com. "We're a police department, we're always concerned about what may happen."

Jackson said he would not speculate as to if or which cartels may decide to infiltrate the legitimate businesses or how.

"We're concerned with the public consumption right now," Jackson said.

The Marijuana Enforcement Division of the Colorado Department of Revenue, the primary enforcement office responsible for overseeing the production and sale of the retail marijuana, did not return repeated attempts by Fox News.com for comment.

Denver DEA office spokesman Albert Villasuso said with some 50 retail outlets in operation, the agency can only monitor if, how and when the cartels decide to move in to the legalized retail industry in Colorado.

"What is quite possible is that cartels will hire straw owners who have clean records who can apply for a license, then sell large quantities both legally and on the black market," Villasuso said. "We still don't know what the fall out will be but when there is this much money involved the potential is great for groups to want capitalize."

Villasuso also said that even if legal stores do face extortion efforts by cartel groups it is unlikely law enforcement will even be made aware of it if merchants are too frightened to come to police. Extortion has proven to be a lucrative ancillary enterprise for cartels in Mexico resulting in thousands of businesses closing rather than pay the quota, as it is called, or the store owners face the threat of death, which too has occurred.

One group who hopes to mitigate any risks is the Blue Line Protection Group, which specializes only in security for the marijuana stores.

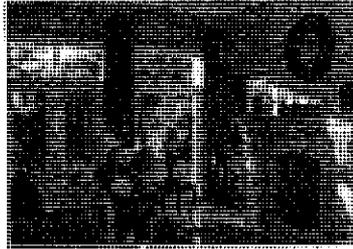
Seeing a growing market, Ted Daniels started the company and uses ex-military and law enforcement to provide security for the stores' money and supply shipments, and the growing operations. The highly-trained and combat-experienced guards are heavily-armed with assault rifles and protective vests.

"This was an industry here that created a lot of challenges," Daniels told WDVR television news in Denver Jan. 7. "This group I put together is designed specifically to protect product, people, and money."

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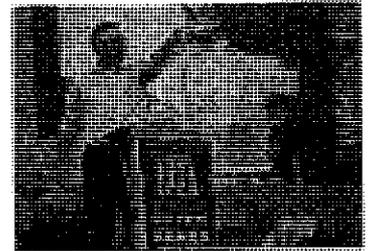
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Burglaries at Denver marijuana shops slow, but industry still worried

By John Ingold and Ricardo Baca

The Denver Post

POSTED: 06/16/2014 12:01:00 AM MDT18 COMMENTS | UPDATED: ABOUT A MONTH AGO



Marijuana is weighed and packaged at a Denver area shop on Jan. 01, 2014. (Craig F. Walker/ The Denver Post file)

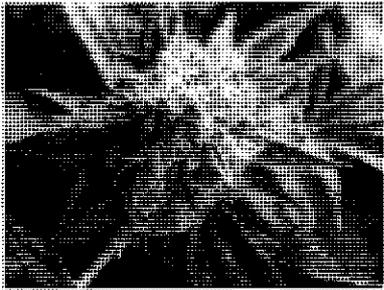
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Even with the start of legal recreational marijuana sales 5½ months ago, burglaries and robberies at all pot businesses in Denver are on pace for their lowest total in three years, according to figures from the city's Department of Safety.

Through the end of May, there had been 53 burglaries and one robbery at the city's more than 700 licensed marijuana stores and cultivation facilities — putting the city on pace for about 130 burglaries and robberies by year's end. In 2013, there were 147 burglaries and four robberies, according to Safety Department data, and in 2012, there were 170 burglaries and three robberies.

THE CANNABIST



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The dip comes despite police and industry fears that marijuana businesses — many of which keep large amounts of cash on hand because they don't have access to banking services — remain alluring targets for crime.

"This situation could be a lot worse," said Michael Elliott, the executive director of the Marijuana Industry Group. "But it's still a lot of burglaries, whether it's more or less than it was last year."

Elliott said the state's security requirements for marijuana businesses, along with the extra security guards some businesses have hired, could be discouraging would-be thieves.

But the drop mirrors an overall decline in robberies and burglaries in Denver this year. From January through April, there were 1,453 burglaries and 336 robberies, according to Denver police. There were 1,527 burglaries and 352 robberies during the same period in 2013.

Overall, violent and property crimes are down in Denver since the start of recreational marijuana sales as well.

"We don't have one real answer, but we look to the economy and other factors as to why crime goes up and down," said Sonny Jackson, a Denver police spokesman. "Traditionally, it's been trending downward for the last few years."

The city has, though, seen more arrests for drug violations — 865 so far in 2014, compared with 711 at the same time in 2013. And incidents of disorderly conduct and disturbing the peace are up significantly, according to the city's crime stats. Jackson said the higher numbers are likely the result of officers cracking down on illegal drug sales and public use.

"These arrests are the result of proactive police work," he said. "Our officer productivity has gone up considerably."

The burglaries at marijuana businesses appear to have no particular pattern. They occur most frequently in the largely industrial north Denver ZIP code of 80216, which has seen 14 burglaries so far this year. There is another cluster among marijuana businesses along South Broadway — where eight burglaries have occurred this year.

Only nine of the 44 unique addresses targeted for a burglary or robbery have been hit more than once this year. And state marijuana regulators have suspended the license of the most-hit store in Denver this year: the Green Thumb Organics medical marijuana dispensary and cultivation facility on Pearl Street in north Denver.

Since the beginning of the year, burglars struck the store three times, each time taking dozens of marijuana plants, according to the state Marijuana Enforcement Division's order of summary suspension sent to Green Thumb Organics. Burglars also struck the store last October, according to the document.

The burglaries led state auditors to uncover numerous alleged compliance violations, ultimately leading the state to accuse Green Thumb Organics of illegally possessing 1,559 marijuana plants and 359 ounces of marijuana and marijuana products. Other alleged violations included inadequate security camera coverage and poor record keeping. State regulators wrote in the suspension order that the violations "compromised the Licensed Premises."

Late last week, the Green Thumb Organics facility appeared abandoned, with miscellaneous plant supports piled into garbage cans outside. On the door was a handwritten note: "No marijuana in building. Removed by MED."

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Pot grow robbery gone wrong: Man killed, teen wounded

Kale Williams

Published 2:29 pm, Thursday, September 18, 2014

(09-18) 14:27 PDT DINUBA, TULARE COUNTY -- A man was shot dead and a teenager was wounded when their attempted harvest-season robbery of a marijuana growing operation southeast of Fresno turned into a gunfight, officials said.

Deputies from the Tulare County Sheriff's Department responded at 4 a.m. Thursday to a 911 call reporting gunfire on the 10000 block of Avenue 400, a rural area near the Central Valley community of Dinuba.

Deputies found a pushed-over fence surrounding a grove of about 50 marijuana plants, each one roughly the size of an orange tree, said Sheriff Mike Boudreaux.

A search of the area turned up an AK-47, a shotgun, two police scanners, a pool of blood and what Boudreaux described as "body drag marks."

At the same time, deputies received a report from a fire station a few miles away that two individuals had been dropped off with gunshot wounds, Boudreaux said.

Upon arriving at the fire station, deputies discovered a 25-year-old man dead from multiple gunshot wounds and a 16-year-old boy suffering from a gunshot wound to the leg and bleeding profusely, Boudreaux said.

Neither of their identities were released.

The teen was rushed to a nearby hospital, where he was undergoing surgery Thursday afternoon, according to Boudreaux. He is expected to survive.

A third man, who is believed to have driven the two victims to the fire station, fled when deputies arrived, but was quickly apprehended.

During the course of the investigation - which included interviews with two individuals who lived on the property where the confrontation took place - detectives learned that there was likely a gunbattle after the two victims, and possibly the third man detained, attempted to rob the marijuana operation, Boudreaux said.

No arrests had been made by Thursday afternoon. Boudreaux said detectives were trying to sort out exactly what happened before they arrested anyone.

Kale Williams is a San Francisco Chronicle staff writer. E-mail: kwilliams@sfchronicle.com Twitter: [@sfkale](https://twitter.com/sfkale)

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SAN FRANCISCO NEWS

April 12, 2011
Contact: Casey McEnry
San Francisco Division
415-436-7994

Bakersfield Man Sentenced in Relation to Marijuana Dispensary

FRESNO, CA — United States Attorney Benjamin B. Wagner and Drug Enforcement Administration Special Agent in Charge Anthony D. Williams announced that John Richard Shanks, 62, of Bakersfield, was sentenced yesterday by United States District Judge Anthony W. Ishii to 20 months in prison, to be followed by three years of supervised release, for conspiring to distribute marijuana. Shanks pleaded guilty on February 8, 2010.

This case is the product of an investigation by the Drug Enforcement Administration, the Kern County Sheriff's Office, the Bakersfield Police Department, the Southern Tri-County High Intensity Drug Task Force, and the Internal Revenue Service, Criminal Investigation. Assistant U.S. Attorney Kathleen A. Servatius is prosecuting the case.

According to court records, Shanks worked as an armed security guard for Nature's Medicinal, a business engaged almost exclusively in distributing marijuana. Shanks was indicted along with other defendants, including the company's owner and CEO David Chavez Jr. and the treasurer David Chavez Sr. According to the indictment, between September 2004 and February 2006, the business had \$16.2 million in gross sales.

Court records show that law enforcement executed search and seizure warrants on the business and personal residences of the Chavez Sr. and Chavez Jr. on May 1, 2007 and again on July 16, 2007, resulting in the seizure of more than 200 pounds of marijuana and marijuana laced food products, more than \$57,000 in cash, and two firearms. They are awaiting trial on charges that they conducted a continuing criminal enterprise and conspired to distribute marijuana. If convicted, Chavez Sr. and Chavez Jr. each face a mandatory sentence of 20 years in prison and a \$1 million fine.

Two other co-defendants have pleaded guilty to conspiring to distribute marijuana and have been sentenced: Timothy Glenn Doolittle, 42, of Bakersfield, was sentenced to 30 months in prison and five years of supervised release, and Jennifer Diane Brown, 37, of Bakersfield, was sentenced to one year in prison and three years of supervised release.

An additional three co-defendants have entered pleas of guilty to conspiring to distribute marijuana and are awaiting sentencing: John Wayne Wyatt, 32, Israel Cavazos, 37, and Jonathan M. Chapman, 31, all of Bakersfield. Wyatt will be sentenced on April 25, 2011. Cavazos and Chapman are scheduled to be sentenced on May 9, 2011.

Jackie Lacey
District Attorney
<http://da.lacounty.gov>



NEWS RELEASE

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Shiara Davila-Morales, Chief
Media Relations Division
213-974-3525

Jan. 10, 2014

**Two Sentenced in Medical Marijuana Dispensary Murder,
Attempted Murder**

Two men convicted of the execution-style murder of a medical marijuana dispensary employee and the attempted murder of a security guard were sentenced today, the Los Angeles County District Attorney's Office announced.

Deputy District Attorney Stacy Okun-Wiese of the Major Crimes Division said Raymond Lemone Easter, 31, and Daniel Deshawn Hinton, 35, were each sentenced to life in prison without the possibility of parole.

Hinton and Easter were convicted on Nov. 19, 2013, of one count of first-degree murder with a special circumstance allegation of murder during the course of a robbery. The men also were convicted of one count of attempted murder.

On June 24, 2010, the defendants forced their way into the Higher Path Medical Marijuana Dispensary near Downtown Los Angeles. At the time of the robbery, Matthew Butcher, 27, and the security guard were the only two employees at the dispensary.

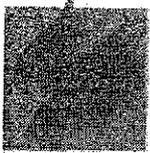
The armed defendants removed the dispensary's security cameras, computer hard drive, cash and several pounds of marijuana with an estimated value of \$10,000. The men left the dispensary but Easter returned and shot both victims in the head as they lay face down on the floor.

The case was investigated by the Los Angeles Police Department.

###

About the Los Angeles County District Attorney's Office

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to seeking justice for victims of crime and enhancing public safety. Annually, the Los Angeles County District Attorney's Office prosecutes more than 60,000 felonies and 140,000 misdemeanor crimes.



MINTPRESS NEWS



Has Legalized Marijuana Sparked A Crime Wave?

Most marijuana dispensaries have thousands of dollars in cash and no safe place to put the money.

By **Katie Rucke** [Follow](#) @katierucke | February 7, 2014



Different strains of pot are displayed for sale at Medicine Man marijuana dispensary in Denver, Friday Dec. 27, 2013. (AP Photo/Brennan Linsley)

Marijuana dispensaries in states such as Colorado and California are being raided not just by Drug Enforcement Administration officials these days, but by thieves not only interested in the drug itself but lured by the thousands of dollars in cash that dispensaries are unable to deposit since they lack access to bank accounts.

Due to marijuana's illegal federal status, federally insured banks are prohibited from knowingly handling any marijuana-related money, resulting in many financial institutions refusing to allow marijuana-related businesses from depositing money in a bank, using credit card services, or even transporting money from one location to another with the help of an armored vehicle.

In other words, most dispensaries across the U.S. have thousands of dollars in cash and no safe place to put the money.

Change may be coming soon, as Attorney General Eric Holder released a statement in September and again three weeks ago, saying that the Justice Department and the Treasury Department would issue guidance "very soon" to banks on how they can work with marijuana businesses.

But for many in the industry, changes to banking regulations are not happening quickly enough. And since many larger banks appear unconvinced that the federal government's word is enough to keep them protected



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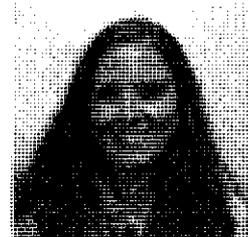
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About the Author



legally if they do decide to partner with those in the budding industry, the DOJ's decision to tolerate banks' partnerships with marijuana-related businesses may be a bust.

However, Taylor West, deputy director of the National Cannabis Industry Association, said that smaller banks and regional banks may be more open to working with those in the industry, even if the larger banks refuse to do so.

Until there is progress in Washington, D.C., dispensaries throughout the U.S. are dealing with what some are referring to as a crime epidemic.

In Colorado, a thief posing as a delivery man snarved beer mace on employees and ransacked a shop. Another law, while another pointed a gun at a man worth of high-quality marijuana.

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Katie Rucke

Katie Rucke is a MintPress staff writer investigative report specializing in the war drugs, criminal justice, marijuana legislation and watchdog investigations as well as whistle-blowers. Her investigations related to coverage of the 2010 Toyota recall scandal, coverage of the trials of Anonymous hacker proclaimed activist Jeremy Hammond as well as Bradley Manning have received international acclaim. Rucke has been recommended by Wikileaks organization as a trusted journalist. Follow Katie on various community magazines. Follow Katie on Twitter: @katierucke

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"Everyone in the industry is having nightmares," said Michael Elliott, executive director of the Marijuana Industry Group, a Colorado based lobby group.

Sensationalized crime wave?

According to an NBC News report, the Denver Police Department estimated in 2009 that about 17 percent of marijuana retail shops had been robbed or burglarized, which was slightly less than liquor stores (20 percent) and banks (34 percent), and on par with pharmacies.

A recent analysis of crime affecting Denver's 325 marijuana companies by Marijuana Business Daily, a leading trade publication, found the current annual robbery and burglary rate of dispensaries is now around 50 percent, which is more than double what it was in 2009.

In an interview with MintPress, Patrick McManamon, managing director of Cannasure Insurance, which specializes exclusively on the legal cannabis industry, said he isn't seeing a ton of claims in his office and believes the industry is sensationalizing a high crime rate at dispensaries.

"Think about how many dispensaries there are [across the U.S.]," McManamon said. "To say crime is up is a complete generalization."

However, Mitch Morrissey, district attorney for Denver, sees things differently. What makes dispensaries particularly attractive to thieves, he opined, is how much money a thief can make.

"You hit a 7-Eleven, you'll get 20 bucks," Morrissey said. "You hit a dispensary, you'll get \$300,000 on a good day."

Morrissey, is particularly concerned about the increase in crime at dispensaries, saying "It's only a matter of time before someone gets shot."

But McManamon says the public should not associate a high crime rate with an increase in the number of dispensaries because "it's not real."

"A lot of people make money on it being illegal," he stressed, before adding "Any opponent to the industry really tries to make it way worse off than it is."

But as word begins to spread that crime is up at marijuana dispensaries, many legalization opponents, including Morrissey, have used the "crime wave" as an example of why marijuana should not be legalized.

"We have had 12 homicides related directly to medical marijuana," Morrissey said this past August.

"We have had over 100 aggravated robberies and home invasions. Many of you probably didn't read about the double-execution-style homicide that we had here in Denver, where people were laid down on the floor and executed because they were running a medical marijuana outlet."

In response to Morrissey's claims, marijuana legalization advocates argued dispensaries are not a haven for violent crime like Morrissey and others are painting them to be and blamed federal law for forcing the industry to largely operate on a cash-only basis.



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More "Reefer Madness"

Mason Tvert, communications director for the Marijuana Policy Project, disagreed with Morrissey, and said he is "playing fast and loose with the facts" when it comes to the relationship with medical marijuana and crime in Colorado.

"Morrissey's suggestion that the state and locally regulated medical marijuana industry is somehow at fault for crimes that occurred entirely outside of its scope is ludicrous and irresponsible," Tvert emphasized. "I cannot imagine any other instance in which he would place blame for violent crimes on law-abiding businesses and citizens who have fallen victim to them."

West agreed that a business forced to operate entirely in cash is going to be more vulnerable to crime and said the marijuana industry's lack of access to banking is a huge problem one would never want for anyone in the retail industry.

"These dispensaries are not choosing to operate entirely in cash," she noted. "If they had the ability to use banking services, they would."

"No matter how you feel about taxing and regulating legal cannabis," West said it's in no one's best interest to operate a business exclusively in cash, adding that as more people become aware of the large amount of cash at these dispensaries, crime could get worse.

"If Morrissey is truly concerned about enhancing public safety, he should be testifying in support of policies that will eliminate the underground marijuana market and replace it with a system in which marijuana is regulated like alcohol," Tvert said.

"He should not be resorting to scare tactics and reefer madness. Voters in Denver and throughout Colorado have made it clear they want to change the way our cities and state handle marijuana. It is time for Mr. Morrissey and other elected officials to follow their lead and give up on the failed policy of marijuana prohibition."

McManamon agreed and said that for the marijuana industry, if a dispensary is robbed, people generalize the story and suddenly all dispensaries are dealing with high crime.

The reality of the situation, McManamon said, is that convenience stores and banks are robbed more often than dispensaries. He argued that if people call for the closure of marijuana dispensaries because one is robbed, then there should be calls to shut down all convenience stores and banks since they've been robbed.

For many legalization advocates like McManamon, the tax dollars generated by legal marijuana sales, the number of people the industry employs, and all of the relief the industry has brought to medical marijuana patients, "far outstrips the few crimes that do happen" at dispensaries.

Fighting crime

Though crime may not be as problematic for dispensaries than the public may have been led to believe, it is still an issue that dispensary owners take seriously.

According to a report from NBC News, marijuana-related business in Denver should expect to be robbed at least once every two years. For Jack Finlaw, the chief legal counsel to Colorado's governor, that statistic is not acceptable at all and has encouraged the federal government to do something about the problem, since the bulletproof glass, fingerprint scanners, and guards are not proving to be effective enough to protect dispensaries and those who work there.

Talking to NBC News, he said so long as marijuana remains illegal under the Controlled Substances Act, banks, security firms and most traditional businesses will be wary of aiding what amounts to a state-sanctioned federal crime.

"Congress really needs to act," he said. "I don't see a quick fix."

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Meanwhile, several dispensaries have hired security guards. In Colorado, two major security firms have been hired by several dispensaries to guard the stores for \$5,000 to \$15,000 a month — an expense that West points out that no other legal industry has.

Others have implemented expensive security systems and cameras, installed safes, hired armored car services to pick up the cash, and a lucky few have begun to work with some local banks.

But for the bulk of dispensaries, adding security has been the answer to reducing the likelihood a store is robbed of its cash and marijuana inventory, until the federal government decides to take congressional action and regulates the industry.

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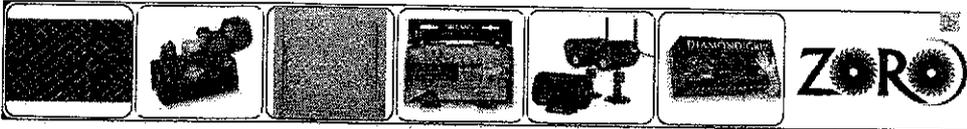
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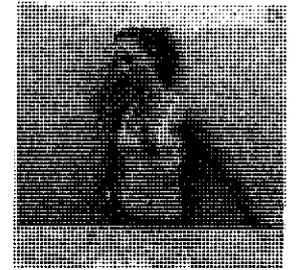
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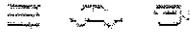
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NEWS

FUGITIVE RETURNED TO ORANGE COUNTY IN TORTURE OF MARIJUANA DISPENSARY OWNER

A fugitive accused of cutting a medical marijuana dispensary owner's penis appeared in a Santa Ana courtroom Wednesday after being extradited from Prague.

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By Eileen Frere

Wednesday, September 17, 2014

SANTA ANA, Calif. (KABC) -- A fugitive accused of kidnapping, torture and severing a man's penis appeared in a Santa Ana courtroom Wednesday after being extradited halfway around the world.

Prosecutors allege Hossein Nayeri, 35, fled to Iran nearly two years ago after allegedly helping his friends Kyle Shirakawa Handley, 35, and Ryan Anthony Kevorkian, 35, break into the Newport Beach home of a pot dispensary owner.

"Our victim John Doe owned a lucrative marijuana dispensary and one of Mr. Nayeri's co-defendants identified him as a good subject to rob," Orange County District Attorney's spokeswoman Farrah Emami said.

Prosecutors allege the defendants, including Naomi Josette Rhodus, 34, put together a plan. They videotaped the victim's home and recorded his frequent trips to the desert. But a week before the kidnapping, Newport Beach police tried to pull Nayeri over for a traffic violation. The incident turned into a pursuit. Nayeri fled leaving his car behind.

"They found that he was in possession of surveillance video as well as footage of a home, which at the time had no relevance to them, there was no criminal relevance," Emami said.

Prosecutors say Nayeri and his friends still went ahead with the kidnapping, allegedly zip typing the victim and his roommate's girlfriend, then driving them to the Mojave Desert, where they mistakenly believe he had buried money.

"The defendants are accused of brutally torturing this victim, they were beating him, they used a blowtorch to burn him," Emami said. "They cut off his penis, they caused him very, very serious injuries."

Prosecutors allege the suspects drove away with the penis so that it couldn't be reattached.

After the defendants took off, the female victim was able to run a mile in the dark for help.

Handley was arrested after investigators allege they found evidence in his home. DNA on that evidence linked the other defendants to the crime.

Nayeri fled to Iran, but was captured in the Czech Republic. He was extradited from Prague and arrived in Orange County on Monday night, Senior Deputy District Attorney Heather Brown said.

Nayeri asked that his arraignment be postponed so he could review his options for legal representation. His arraignment was rescheduled for Sept. 24, but he remains jailed without bail.

He faces up to life in prison without the possibility of parole if convicted.

CNS and The Associated Press contributed to this report.

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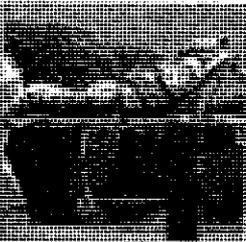
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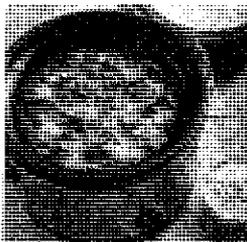
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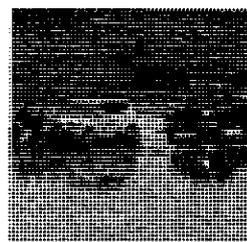
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Central Texas Teens Charged In Colorado Pot Shop Robbery



(File)

DURANGO, Colo. (August 5, 2014) Two Corsicana teenagers have been arrested in connection with the robbery of a medical marijuana dispensary in Durango, Colo.

The two 17-year-olds are accused of entering the Animas Herbal-Wellness Center Monday in Durango and spraying workers with pepper spray.

The employees were able to provide a description of their car and a short time later police spotted the vehicle and approached the pair in the parking lot of a Holiday Inn, the Durango Herald reported.

The two teens were arrested after a short foot chase.

Police recovered the stolen jar of marijuana.

The dispensary's employees were treated at the scene.

The newspaper reported that the two teens were charged with aggravated robbery of a controlled substance, a felony that carries a maximum sentence of 24 years in prison and fines of as much as \$1 million, but it's not clear whether they'll be tried as adults.

Their names weren't released.

They spent Monday night in a detention center.

Meanwhile in Pueblo County, Colo., David Lopez, 40 of Austin, was arrested after an employee was forced into a Pueblo West marijuana dispensary at gunpoint Monday.

Phones were ripped from the wall and a large quantity of marijuana and marijuana products was taken.

Deputies who responded to a 911 call placed by someone inside the store arrested Lopez as he left the business.

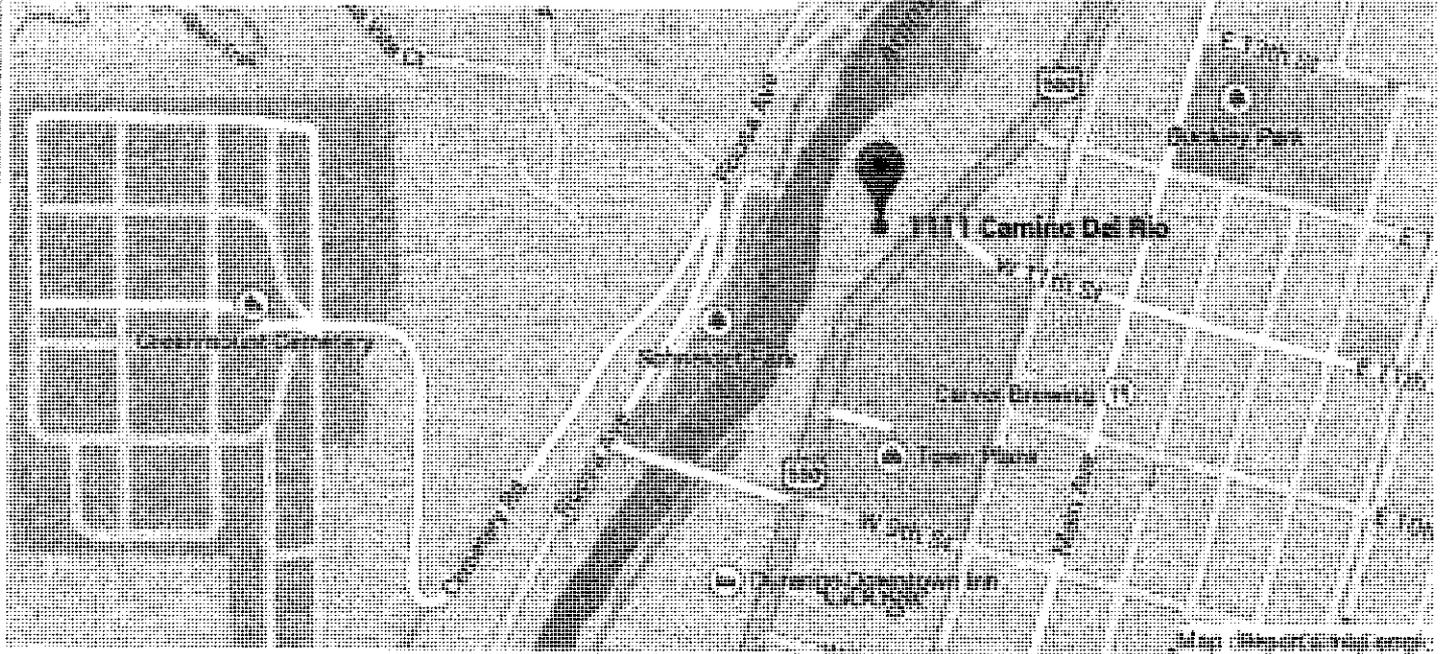
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Was \$200,000 Denver pot shop robbery an inside job? Friend of manager arrested in hold-up

Police recover \$139,477 from suspect's backpack

BY: [Alan Gathright \(mailto:alan.gathright@kmgh.com\)](mailto:alan.gathright@kmgh.com)

POSTED: 5:10 PM, Sep 12, 2014

UPDATED: 6:39 PM, Sep 12, 2014

DENVER - An Erie man has been arrested in a nearly \$200,000 robbery of a Denver marijuana store that police and the owner suspect may have been an inside job.

The robbery occurred at MMJ America, at 2042 Arapahoe St. in lower downtown at around 8 p.m. on Aug. 17.

The marijuana shop's manager told police he had locked up for the night and was leaving the store, when he realized that he forgot to turn on the security alarm, according to court records obtained by 7NEWS.

The manager said a man appeared, pointed a gun at him and ordered the manager back into the store, according search and arrest warrant affidavits.

The manager said the gunman "demanded money and weed," but the manager told him the store was out of weed. So the gunman told the manager to open the safe. He filled up a bag with \$198,000 in cash, and told the manager to count to 100 backwards, an affidavit said.

The robber took off in a red Ford F150 pickup truck. The manager gave police a detailed description of the suspect as a white man who was about 6 feet tall with a medium build. He had light brown facial hair on his chin, a wide jaw and straight teeth. He was wearing a beanie, a black hooded sweatshirt over his head, pants and Nike gloves.

Reviewing the store's surveillance camera video, both the manager and the store owner said the robber resembled an electrician that they had just fired. The manager even picked the electrician out of a photo lineup. But police found no evidence that the electrician has a red pickup.

Soon, the store owner grew suspicious after taking a harder look at the surveillance video. The owner called a Denver police detective and said, "it appears from the video, that the victim, [store manager], may have been part of this robbery. Based on [the manager] not setting the alarm and not locking the front door and walking away from the store," according to the affidavit.

7NEWS is not identifying the manager because he has not been arrested or charged in the case.

The robbery video shows the manager leaving the store and saying good night to an employee outside.

"It appears [the manager] is locking the door," the detective wrote about his review of the video in the affidavit. The video also shows a white man standing by a light pole next to a red Ford pickup. The manager then "looks at the suspect several times," the detective said.

Then the manager is seen on the video crossing Arapahoe Street and is in the middle of the road when the suspect says something, and the manager turns around and walks "with his hands up in the air back to the store," the detective wrote in the affidavit.

The manager's actions raised red flags for the detective.

"[The manager] could have taken off running across the street, as he was in the street already and the suspect can't been seen pointing any weapon at [the manager]," the detective writes.

After the manager is apparently ordered back to the store by the gunman, the detective "noticed that [the manager] walks to the front door and pushes the front door open, as if it was unlocked," according to the affidavit.

"Based on [the manager's] actions during this robbery, it appears to be suspicious that he would not set the alarm for the building when leaving and not locking [sic] the front exterior door when he was leaving," the detective wrote.

During an interview at the manager's home, the detective noticed the man was nervous and sweating. The detective asked the manager if he had anything to do with the robbery and he replied, "no." The detective asked if the manager would take a lie-detector test and the man refused, according to the affidavit.

During a videotaped interview taken later at police headquarters, the detective questioned the manager about his suspicious actions on the surveillance video. The manager said he's never forgotten to set the alarm before and he might have been tired and wanted to get out of the store after work. He maintained that he locked the front door, the affidavit stated.

The manager said as he crossed the street, he saw the suspect standing by the light pole. He said he then remembered he'd forgot to set the alarm and turned around and went back to the front door, and that's when the suspect came up behind him with the gun, according to the affidavit.

Then a bombshell revelation happened.

The store owner was telling another employee about his suspicions that the robbery was an inside job.

The employee, who knew nothing about the suspect's vehicle description, asked, "the vehicle wasn't a red truck was it?"

The employee explained that the store manager has a friend named, Tim Price, who drives a red Ford F150 pickup.

Denver police showed the store employee a photo lineup and the worker identified Price as the man who drives a red pickup, adding that Price resembled the robber's facial features and physical build in the video, the affidavit stated.

When police arrested Price at his Hickory Place home in Erie on Aug. 21, they found \$139,477 in cash in a backpack, the affidavit said. Police noted that more than \$58,000 from the robbery was missing.

Price's wife told police the couple is in the process of getting a divorce and were preparing to have their home shown to prospective buyers.

When the wife asked a neighbor to check the home and make sure it was ready, the neighbor found a black handgun in a kitchen cabinet, the wife told police, according to the affidavit.

Armed with a warrant, police searched the home and found a black Airsoft pellet gun, which are often replicas of real guns. Investigators also recovered two bank bags, a Nike glove, and other clothing from the home, according to the search warrant.

The Denver District Attorney's Office has formally charged Price with aggravated robbery, theft and kidnapping -- all felonies. He remains in Denver jail on \$65,000 bond.

Meanwhile, police have obtained a search warrant for the store manager's iPhone, which investigators seized. They want to examine the smartphone's data - including text messages, email, call logs, images, video and audio files -- to see if there's any evidence connecting him to the robbery, according to the search warrant affidavit.

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By Jim Conway
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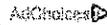
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AUGUSTA, Maine — In the past week law enforcement has launched investigations into three separate medical marijuana thefts, according to Maine State Police.

Police circulated surveillance photos of three men dressed as law enforcement, captured during a medical marijuana robbery in Winterport Sunday. Police posted the images to Facebook and have received multiple tips.

"We really appreciate the public's willingness to assist us in the investigation and tentatively, we

feel we have the identities known of the individuals responsible for Winterport," Lt. Aaron Hayden, Maine State Police, said.

Last week in Lewiston two men turned themselves into police after surveillance video appeared to show them stealing plants from a licensed grower. There was also another theft in Standish Saturday.

FACEBOOK POST HELPS NAB POT BURGLARS

A man who grows pot posts surveillance video to Facebook after



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burglars are caught on camera rummaging through his greenhouse.

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THIEVES IMPERSONATING POLICE STEAL POT PLANTS

Three men dressed as police officers and armed with a handgun stole medical marijuana plants in the town of Winterport, state police said.

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State Police said Clyde Humiston and Justin Vadas kicked a medical marijuana grower to the ground and sprayed him with pepper spray. Both men have been arrested.

Police said the recent medical marijuana thefts combined, with the 17 pharmacy robberies in 2014, is a cause for concern and that people need to take precautions to stay safe.

"People have to abide by the law. They have to keep their marijuana plants in a locked facility. They have to keep them out of public view. It's no different from any other prescription medication, with your painkillers and things like that. You don't want the general public knowing what you have in your residence," Hayden said.

In the Winterport case the suspects could face multiple charges, including, felony robbery, felony theft impersonating an officer and criminal trespass.

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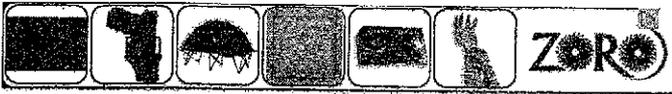
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Marijuana Burglaries Increase During Pot Harvest Season, Medical Marijuana Growers Worried [WA]

[Local NBC Right Now ^](#) | Oct. 2, 2014 | Fernanda Lopez

Posted on 10/2/2014, 8:05:32 PM by [steve86](#)

FINLEY, WA - Some medical marijuana growers in our area are not getting much sleep lately.

Especially after another marijuana burglary early Thursday morning.

The latest marijuana burglary happened just before 6 a.m. Thursday morning in the area of highway 397 and East Finley Road.

Benton County Sheriff's Deputies said a medical marijuana grower shot at a suspect as he ran from the property.

NBC Right Now found out this may happen more often this time of year because it is prime marijuana harvest season and medical growers are worried.

"If you don't have sophisticated cameras, alarm systems, (are) friends with your neighbors, you have no defense because all you can do is sit out and sleep or go without any sleep and babysit," medical marijuana grower, Gary said.

Gary only wants us to use his first name. He said he has not been getting much sleep, after thieves last week stole several of his medical marijuana plants, he wants to protect what is left of what he has been growing over the last 5 months.

"I've had couple friends say that they pitch a tent and sit out for two and a half to three weeks all night next to their plants," Gary said.

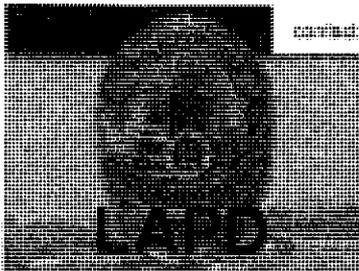
But the most recent marijuana burglary Thursday morning, ended in gunshots and K9 units searching the area, after a neighbor saw several people run through his backyard escaping gun fire from the marijuana grower..

Deputies said he is a medical supplier and had 41 plants in his outdoor operation, which is within the legal limit.

Tri-Cities Metro Drug Task Force commander Trevor White said marijuana harvest season can be dangerous for all parties involved, the criminals and the growers, and both could get in trouble.

"We see it as a safety issue and people need to remember that it's a property crime, protecting your plants does not necessarily allow you to use force against another directly, you got to be pretty cautious on both end," Cmdr. White said, adding They have seen an increase in reports of stolen marijuana plants from medical growers recently.

They do advise people to call police and not take matters into their own hands because they could end up with problems of their own.



Mon, Oct 20 2014 7:14pm

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News Release Monday, January 30, 2012



Devonshire Area Detectives Close Down Last of Medical Marijuana Storefronts NR12050kr

Los Angeles: Monday afternoon Detectives served a search warrant at the last remaining medical marijuana storefront in Devonshire Area, which at one time had over 60 medical marijuana businesses operating in the area.

On January 30, 2012, around 9 p.m., LAPD Devonshire Narcotics Enforcement Detail served a search warrant at the Herbal Medicine Care facility in the 10100 block of Topanga Canyon Boulevard. An extensive investigation into criminal conduct of the storefront provided detectives with probable cause to serve the warrant and close down the business. Three suspects were arrested for Possession of Marijuana for Sale. Over 50 pounds of marijuana, including 156 Marijuana Plants, over \$6000.00, and paperwork detailing the purchase and resale of marijuana were also confiscated.

In 1996, California Voters passed the Compassionate Use Act (CUA) sometimes referred to as Prop 215. The CUA gave a limited group of patients and their "primary caregivers" the opportunity to possess, cultivate and transport marijuana for the patient's personal medical use. However, possession, cultivation, transportation, distribution and sales of marijuana are still illegal under both Federal and California Law.

In 2003, the California Legislature passed the Medical Marijuana Program (MMP), sometimes referred to as SB420. The MMP gave patients and their primary caregivers a chance to get a Medical Marijuana ID Card issued by the State of California, and the chance to come together in groups (Cooperatives or Collectives) to cultivate marijuana.

In recent years, many persons have set up marijuana storefront distribution centers claiming to be medical marijuana clinics, dispensaries, cooperatives and clubs. These businesses have set up next to legitimate businesses, schools, and even day care centers. Many of these businesses are supported by the same criminal element that would be selling drugs even if they could not hide behind the laws written to help people with serious illnesses. There is no provision in the CUA or MMP for the sale of marijuana.

The stated purpose of the CUA and the MMP was to help people with serious illnesses get safe access to marijuana. The CUA and MMP did not legalize marijuana or allow anyone to profit from cultivation, distribution, or sales of marijuana. Because of the exploitation of these laws and the strength of marijuana, marijuana is now the number one drug for self-admission to drug rehabilitation centers in LA County.

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With these laws in mind, starting in December 2008 the Los Angeles Police Department, Devonshire Narcotics Enforcement Detail in conjunction with the Los Angeles County District Attorney's Office and with the support of the Los Angeles City Attorney's Office and Council District 12, established investigative protocols to determine if these storefront businesses were operating within the protections afforded by the CUA and MMP. At that time, there were over 600 of these businesses operating throughout the City of Los Angeles with more opening daily.

They quickly became the center of various crimes including the sale of marijuana to nonmembers and juveniles in the surrounding neighborhoods, the burglary of adjoining businesses in order to gain access to the marijuana facilities, armed robberies with shots fired and ultimately the attempted murder and murder of the owners and workers at these locations.

Starting in December of 2008, LAPD, Devonshire Narcotics Enforcement Detail has investigated thirty seven of these locations resulting in seventy-one related search warrants (storage facilities, owner's residences, etc.) and in each case these storefront marijuana sales locations were found to be in violation of State Law. All of these storefronts operated on a retail sales basis of cash and carry.

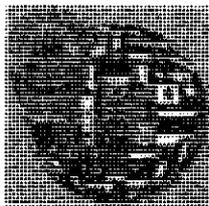
Several of the locations had armed security in plain clothes and others in uniforms, several had firearms concealed for easy access and in two instances they contained assault weapons including an AK-47 and a collapsible stock Mini-14. Some of these locations had other narcotics in them, including one with 9 kilos of cocaine. Some contained sophisticated hydroponic marijuana growing operations others had a few plants growing in pots under a single light. Owners of these businesses also engaged in tax evasion, money laundering, witness intimidation, threatening of nearby business owners and theft of utilities. All contained various amounts of cash ranging from a few hundred dollars to over half a million.

All of these arrests have resulted in felony filings in Superior Court with the vast majority of defendants pleading out and several cases are still pending.

Since 2008 there have been 74 arrests, over 2 Million in cash seized, the recovery of 30 guns including an AK-47 and a Mini 14, over 1 ton of marijuana, and other dangerous drugs including nine kilos of Cocaine, LSD, Hashish, and Anabolic Steroids.

Anyone with further information on this investigation, or questions may contact Devonshire Narcotics Enforcement Detail, Detective Robert Holcombe at 818-832-1164. During non-business hours or on weekends, calls should be directed to 1-877-LAPD-24-7. Anyone wishing to remain anonymous should call Crime Stoppers at 800-222-TIPS (800-222-8477). Tipsters may also contact Crime Stoppers by texting to phone number 274637 (C-R-I-M-E-S on most keypads) with a cell phone. All text messages should begin with the letters "LAPD." Tipsters may also go to LAPDOnline.org, click on "webtips" and follow the prompts.

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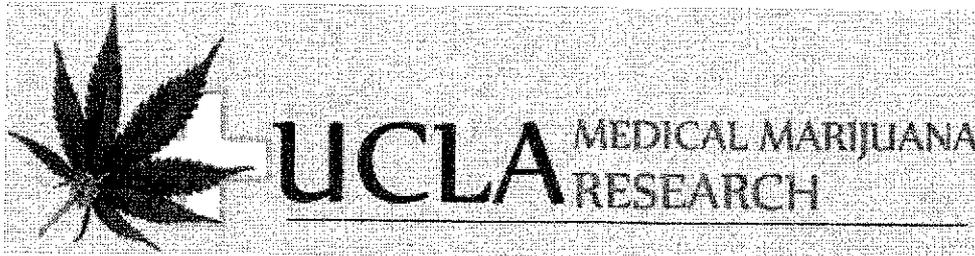
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10 Things Medical Marijuana Won't Tell You (Jen Weiczner, MarketWatch)

From <http://finance.yahoo.com/news/10-things-medical-marijuana-won-150649058....>

5. "You're not paranoid. They're out to get your money."

Last month, two men were shot and killed in a medical marijuana dispensary in Bakersfield, Calif. Just a couple of weeks earlier and 100 miles to the south, a police officer was wounded in an attempted robbery of a dispensary in Los Angeles County. In May, two men robbed a San Diego marijuana dispensary at gunpoint.

Medical marijuana continues to make crime headlines in states that have legalized it, and robberies can be particularly frequent. Industry analysts argue that it isn't necessarily the marijuana that attracts criminals to the dispensaries, but the stacks of cash on hand: Banks won't do business with dispensaries — since doing so could jeopardize their FDIC insurance — so the shops can't process credit card transactions or open checking accounts. "They end up having a safe in the back with all this cash," says Riffle.

Areas with a greater number of dispensaries, however, aren't correlated with higher rates of crime, according to research by the University of California, Los Angeles. The study's early results even suggest that dispensaries draw less crime than bars, though principal investigator Bridget Freisthler, a social welfare professor at UCLA, cautions that it's too early in the project to tell for sure. The researchers are still investigating whether crime increases over time after a dispensary moves into a neighborhood. "There's concern that the businesses themselves are going to be targets, but also the patients as they enter or leave the dispensaries," Freisthler says.

8. "There's a dispensary in the bathroom of this dispensary."

States might have anticipated that legalizing weed would cause

(September, 2012)

89.3 KPCC Southern California
Public Radio (September, 2012)

Woodland Hills Patch
(September, 2012)

stores selling it to sprout up like, well, weeds. But the industry has grown so fast, local governments have struggled to keep track of all the businesses, and dispensaries have been caught in the middle of political battles, even in cities with the friendliest laws. Denver, for example, recently released a report admitting that officials don't actually know how many medical marijuana businesses are within city limits: While the city counted 739, state records showed 676, and a spokesman for the city says it believes the true number is closer to 500. "This is a place where there's more pot shops than Starbucks," says Bierman, the dispensary consultant. (Indeed, there are only 415 Starbucks locations in the entire state of Colorado, according to the company's latest annual report.)

Local officials worry that such rapid growth will lead to widespread use by individuals without a prescription. The UCLA study, in fact, found that the more medical marijuana dispensaries and delivery services a city has, the more its residents use marijuana—regardless of whether they have a medical reason. Some dispensaries, UCLA's Freisthler says, will sell pot by the quarter-pound — a quantity that is four to 30 times the amount patients typically buy (an eighth-ounce to an ounce) and worth as much as \$1,000 or more. (Neither shops nor doctors issue guidelines on how much pot to use at a time and how frequently.) It's a pattern that has also been observed with alcohol: "More liquor stores and bars increase problems related to alcohol use," Freisthler says.

While cities like Los Angeles have tried to crack down on the number of dispensaries, with moratoriums and shutdowns, the ongoing tug of war hasn't scared many people in the business, who don't believe the regulations are enforceable: "Hundreds of millions of dollars are flowing through this, and it's impossible to put it back in the bag," Bierman says.

9. "But our storefronts are practically invisible."

Among the reasons marijuana dispensaries are so difficult for cities to keep count of are that some operate without licenses, some masquerade as another type of business, and some simply go out of business. Even medical marijuana industry associations say they can't keep a national tally on shops. And some industry insiders like it that way.

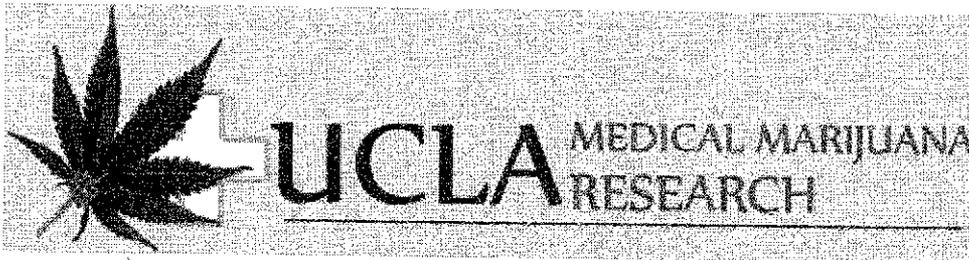
Fears of law enforcement and patient demand for discreetness top the list of reasons. But there's also the tax angle to consider: Dispensaries often face tax rates up to double what other businesses pay, so some may underreport their income, says Riffle at the Marijuana Policy Project. And some pretend to be, or double as, say, spas or health food stores, so that they can deposit their cash in a bank and process credit card transactions, says Denis Berckefeldt, Denver's director of government relations.

Dispensaries disguise their appearance in many ways, with some so unassuming that only insiders can find them. Bierman, the dispensary consultant, says some states require that shops look like medical clinics. Elsewhere, they may have blacked-out windows or be labeled with green crosses (like green versions of the Red Cross logo), the industry's version of a pharmacy

symbol. Still others resemble traditional neighborhood saloons, says Freisthler. One Hollywood dispensary, for instance, advertises that it specializes in "healthy alternatives" to smoking, including electronic cigarettes, organic e-liquids and vaporizers, but "it really sort of felt like a laid back corner bar," she says.

On the other hand, several states with legal medicinal marijuana have few stores that sell it, or none, Bierman says. Eight of the 20 legalized states don't even allow dispensaries, including Michigan, Oregon and Maryland. In those states, "patients are just legally protected to use the marijuana, [but] there's no legal way to obtain the medicine," says Nicolazzo, of MarijuanaDoctors. People have to either grow the marijuana plants themselves or appoint a grower known as a "caregiver" to provide it for them. "A 65-year-old patient isn't going to know how or be able to grow their own plants," he adds.

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Exploring the Ecological Association between Crime and Medical Marijuana Dispensaries

Nancy Jo Kepple and Bridget Freisthler

Routine activities theory purports that crime occurs in places with a suitable target, motivated offender, and lack of guardianship. Medical marijuana dispensaries (MMDs) may be places that satisfy these conditions, but this has not yet been studied. The current study examined whether or not the density of MMDs are associated with crime. An ecological, cross-sectional design was used to explore the spatial relationship between density of MMDs, socio-demographics and two types of crime rates (violent crime and property crime) in 95 Census tracts in Sacramento, California during 2009. Spatial error regression methods were used to determine associations between crime rates and density of MMDs, controlling for neighborhood characteristics. Violent and property crime rates were positively associated with percent commercially zoned, percent one person households, and unemployment rate. Higher violent crime rates were associated with concentrated disadvantage. Property crime rates were positively associated with percent of population 15 to 24 years, percent owner occupied households, and presence of highway ramps. Density of MMDs was not associated with violent or property crime rates. Consistent with previous work, variables measuring routine activities at the ecological level were related to crime. There were no observed associations between the density of MMDs and either violent or property crime rates in this study. These results suggest that the density of MMDs may not be associated with crime rates or that measures dispensaries take to reduce crime (i.e., doormen, video cameras) may deter possible motivated offenders.

To obtain a copy of this paper, please contact us. [Back to Research Findings](#)

If density doesn't affect crime rate then putting them in an mj district would not increase crime 1/2

Routine activity theory

crime prevention



Attorney General
& Justice

Routine activity theory is one of the main theories of “environmental criminology”. The theory states that a crime occurs when the following three elements come together in any given space and time:

1. An accessible target
2. The absence of capable guardians that could intervene
3. The presence of a motivated offender

An accessible target

An accessible target can include a person, an object or a place. The following acronyms have been used to describe accessible targets:

- » VIVA – Value, Inertia, Visibility, Access
- » CRAVED – Concealable, Removable, Available, Valuable, Enjoyable, Disposable

Routine activity theory as a crime prevention methodology focuses on essential elements that make up a crime. This theory provides a framework within which to prevent crime through altering at least one of these elements (the offender, the target or the presence of capable guardians). The most effective crime prevention strategies will focus on all three of these elements.

Absence of a capable guardian that could intervene

A capable guardian has a ‘human element’, that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. A capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

Some examples of capable guardians are:

- » police patrols
- » security guards
- » doorstaff
- » vigilant staff and co-workers
- » friends
- » neighbours

Some of the guardians are formal and deliberate, like security guards; some are informal and inadvertent, such as neighbours.

It is also possible for a guardian to be present, but ineffective. For example, a CCTV camera is not a capable guardian if it is set up incorrectly or in the wrong place or is not monitored. Staff might be present in a shop, but may not have sufficient training or awareness to be an effective deterrent.

A motivated offender

Routine activity theory looks at crime from an offender's point of view. A crime will only be committed if a likely offender thinks that a target is suitable and a capable guardian is absent. It is the offender's assessment of a situation that determines whether a crime will take place.

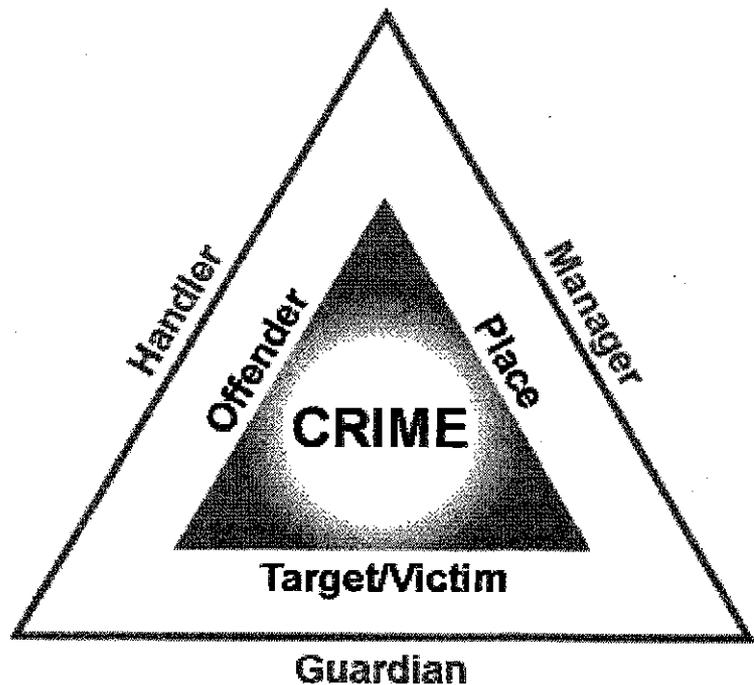
Crime triangle

(Also called Problem analysis triangle. A from www.homeoffice.gov.uk)

Routine activity theory introduces an im in crime analysis, the crime triangle (whir been called the problem analysis tria Crime triangle analyses both the elemer (target, location, offender) and potential interventions for each of the elements o (as depicted on the bigger triangle).

Further information

For more information on crime preventio theories and methodologies, please visit www.crimeprevention.nsw.gov.au





HOME NEWS WEATHER HEALTH COMMUNITY

Home » UPDATE: Police: Man Shoots Suspect Stealing Pot Plants

UPDATE: Police: Man Shoots Suspect Stealing Pot Plants

By Lita Alkhanj Published Thursday, October 2nd, 2014

The Bunton County Sheriff's office said around 5:30 AM they received calls of shots being fired in near 10th and Havana St in Hixley.

When they arrived on the scene, they found out a male suspect was trying to steal marijuana plants from a grower in the area.

The Sheriff's office said the grower, Sergio Dominguez, 20, then chased the suspect and shot several times into the air.

The suspect hopped a fence and Dominguez jumped it after him and shot at the suspect.

The Sheriff's office said there is no indication the suspect was hit, but he did get away.

K-9 units were on scene and followed the path the suspect ran down but could not find him.

It was off dark out, so there is no description available. A witness, who wishes to remain anonymous, tells Your Local ABC he was sitting in his backyard when he saw several men hopping a fence and running through his yard.

The witness said he believes he saw four suspects, and believed like one of the men was shot because he was screaming and cursing.

At one point, the witness said he may have seen someone fall and limp away, as if he was injured.

The Sheriff's office said they saw no blood on the scene and made calls to local hospitals but no patients were brought in with gunshot wounds.

The witness said he was shocked all of this was happening right in front of him.

He does not condone shooting, but respects the right of a homeowner to protect his/her property.

The Sheriff's Office said it is concerned with the fact that Dominguez ran after the man while shooting his gun.

The Sheriff's Office is meeting with the prosecutor's office to go over the legalities of shooting at someone once they are off your property.



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JOHNNY LAWSON · 9 months ago

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Ruby Lawson · 9 months ago

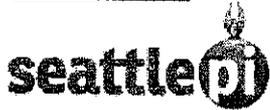
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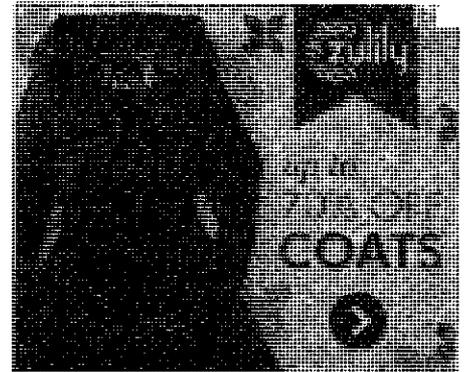
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Marijuana grower caught after self-defense shooting heads to prison

Maple Valley man sentenced to 2 1/2 years

BY LEVI PULKKINEN, SEATTLEPI.COM STAFF
Updated 8:16 pm, Tuesday, May 27, 2014

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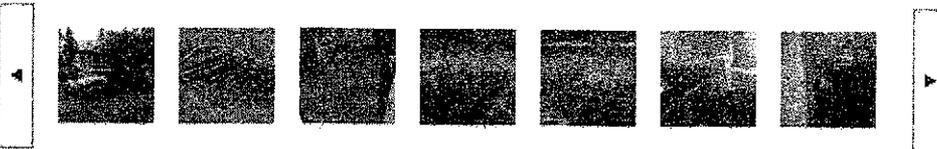
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The location of an Aug. 13 robbery that saw two people shot while attempting to steal guns and marijuana from a grower, pictured in a Department of Justice photo. Photo: Justice Department Photos



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A Maple Valley marijuana grower who shot a robber last year was sentenced Tuesday to 2 1/2 years in federal prison.

The robbery's target, self-described medical marijuana grower Justin Loken, previously admitted to using a pistol to defend his Maple Valley home and marijuana grow. Loken's assailants - Melvin Slaughter, Ferdinand Clay

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and Anastasia Marie Pierson – have also pleaded guilty in the Aug. 13 robbery.

A prostitute pimped by Slaughter, Pierson had been trading Loken, 38, sex for money for some time when she led Slaughter to Loken's home, located in the 23300 block of Southeast 266th Street.

Known to Loken as "Kayla," Pierson arrived at his house after arranging to buy six pounds of marijuana. As Loken cracked a beer, Clay, 32, and Slaughter rushed into the home.

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Having forced Loken to open his safe, the men bound him with plastic ties and ransacked the house before taking guns and money to their waiting cars. Loken broke free, grabbed a 9 mm pistol hidden under a mattress and rushed outside in time to see Clay and Slaughter loading the rest of his guns into the back of an SUV.

One of the men raised a stolen AR-15-style rifle at Loken, who opened fire on the SUV and a car. He shot Clay and a woman who'd been duped into driving one of the men to the robbery.

The robbers made off with several rifles and shotguns, \$300 cash and a quarter pound of marijuana, according to charging papers. Witnesses also reported seeing an SUV and Honda leaving the area while discarding items; investigators later recovered bloody guns thrown from the SUV.

Clay, Slaughter and Pierson stopped at a 7-Eleven near the shooting scene to seek medical help for Clay, who'd been shot in the face and back. Clay was rushed to Harborview Medical Center in Seattle with life-threatening injuries.

The second woman told investigators she was sitting in the car outside Loken's home when the others rushed out carrying guns and pot. Writing the court, a King County Sheriff's Office detective said the woman was "very upset about being unwittingly dragged into" the robbery and, apparently, about being shot in the backside.

The woman drove herself to Valley Medical Center in Kent. She told police she didn't immediately realize she'd been shot.

Clay was arrested at Harborview while Slaughter turned himself in to police shortly after the shooting. Pierson was also arrested.

Police subsequently found about 100 marijuana plants growing inside Loken's home. While Loken initially claimed to be running a medical marijuana collective garden, prosecutors say he later admitted that was "at best partially true."

The amount of marijuana Loken grew and sold exceeded what's allowed under Washington's medical marijuana law, Lombardi said. Of course, all marijuana remains illegal under federal law.

Loken pleaded guilty to manufacturing marijuana and discharge of a firearm during a drug trafficking crime.

Slaughter, 41, was previously sentenced to 14 years in prison. Clay is scheduled to be sentenced next month, while Pierson was previously sentenced to 2 ½ years in federal prison.

Currently free on bond, Loken is expected to report to the Bureau of Prisons in coming weeks.

Check the Seattle 911 crime blog for more Seattle crime news. Visit seattlepi.com's home page for more Seattle news.

Seattlepi.com reporter Levi Pulkkinen can be reached at 206-448-8348 or levipulkkinen@seattlepi.com. Follow Levi on Twitter at twitter.com/levipulk.



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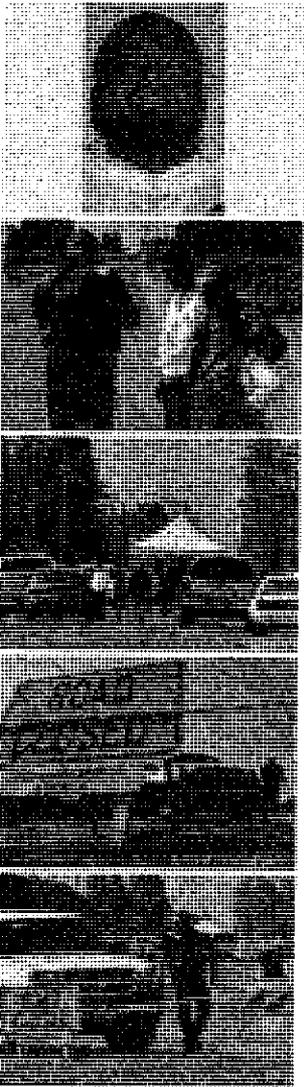
Apparent pot raid south of Fresno leads to shootout, deaths, kidnapping

By Jim Guy

The Fresno Bee August 7, 2014

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Fresno County Sheriff Margaret Mims describes what her office knows about a predawn attempt to rob a marijuana-growing operation south of Fresno that ended in the deaths of two suspects and the kidnapping of a 15-year-old girl. THE FRESNO BEE



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What was likely a predawn attempt to rob a marijuana-growing operation south of Fresno turned into a deadly gunfight in which two bandits were killed and a 15-year-old girl was used as a human shield by fleeing robbers, Fresno County Sheriff Margaret Mims said Thursday.

Two other gunmen are in custody and three remain at large after the crew kicked in a door of a home on Orange Avenue south of American Avenue and exchanged gunfire with people inside during a wild melee that sent bullets flying through the neighborhood.

The sheriff said that the girl was quickly freed by the gunman and is telling deputies what she knows about the violent incident. The two captured suspects were also being interviewed Thursday afternoon.

At an afternoon news conference, Mims outlined what her office knows about the still-developing case:

- The Sheriff's Office received a call from a home in back of the robbery scene, where the caller said men identifying themselves as law enforcement officers were kicking in the door of the home and screaming could be heard inside. During the robbery of marijuana and cash, a man in the home was pistol whipped.
- Deputies sent to the home could hear the sound of gunfire as they were driving to the area and saw two cars speeding away in excess of 100 mph and "blacked out" -- without headlights or taillights. One of the cars was followed to Community Regional Medical Center, where officers ordered two occupants to the ground at gunpoint. Inside the car, deputies found a wounded man still wearing a ski mask. He was given CPR by deputies, but died a short time later inside the hospital.
- The other car, in which the girl had been taken hostage, managed to get away. The girl was dropped off near downtown Fresno and got a ride back to the shooting scene. She was unhurt. Deputies are looking for that car, a green Honda with a paper license plate with the word "CORONA."
- As deputies approached the home, they spotted a man who turned out to be one of the bandits lying nearby. Even though wounded, the suspect reached for a weapon, but was subdued. He later died of gunshot wounds he apparently received in the home.
- The bandits came to the home heavily armed with handguns and shotguns. One shotgun was tossed from a car at Central Avenue and Highway 41.
- There were three marijuana plots and about 150 plants at the home. Mims said investigators are checking to determine whether there were medical marijuana permits at the residence.

Mims said the bandits who were arrested are Sergio Hernandez, 23, of San Bernardino and Chi Tang, 31, of Madera. She said the two dead bandits had not been identified.

Mims said the incident exemplifies the risks that marijuana-growing operations bring to Fresno County

residents.

It's "directly related to drug trafficking and not medical marijuana," the sheriff said of the incident.

The reporter can be reached at (559) 441-6339, jguy@fresnobee.com or [@jimguy27](https://twitter.com/@jimguy27) on Twitter.

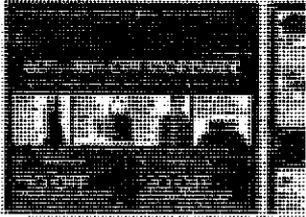
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By Marina Co

810

Man stole military vehicle out of boredom, deputies say

Jose Quinones arrested in Deltona

UPDATED 12:31 PM EST Feb 20, 2014

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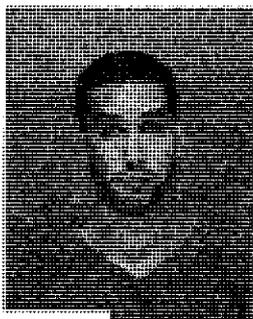
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SANFORD, Fla. — A military vehicle was stolen overnight from the Army Reserve Center in Sanford, and the suspect said he did it because he was bored, according to officials.

JOSE QUINONES



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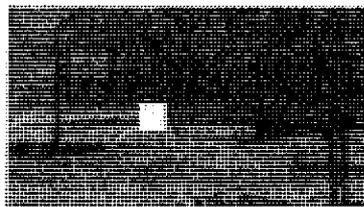
The Humvee was stopped later in Deltona after the driver, 19-year-old Jose Quinones, was caught driving it erratically.

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"There's a Hummer, an old school Hummer behind us," said one 911 caller. "(It has) no headlights. He ran over a couple of traffic cones. He's swerving and he's been following us for a little while."

According to authorities, Quinones drove the vehicle from the reserve center near the Sanford-Orlando Airport to Deltona.

The Humvee was then spotted by another driver with no headlights or taillights and an orange traffic barrel jammed



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under it.

"There were sparks flying out from underneath it and when he went across the light at Howland right over that dip the barrel flew out from behind him. And I was right behind him and I had to swerve," said another 911 caller.

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Deputies pulled Quinones over and took him to the Volusia County

Jail.

A marijuana cigarette was found inside the Humvee, and Quinones told authorities he stole the vehicle because he was bored, a news release said.

Maj. Shawn Keller said the Humvee's have chains around the steering wheels.

"They were able to steer the wheel, the Humvee, well enough to maneuver it around the corner," he said. "There was a chain swooped around the steering wheel. This is one we will have to go back and tighten up all the chains to make sure they are secured."

There is a damaged fence and tire tracks throughout the reserve center.

Quinones is charged with DUI, driving an unregistered motor vehicle, possession of marijuana and grand theft of a motor vehicle. He is being held on \$3,750 bond and will make his first appearance in front of a judge at 1:30 p.m.

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TAGS Sanford Humvee Stolen

Comments

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From: [Linda Talman](#)
To: [PDS comments](#)
Subject: interim ordinance on Marijuana Facilities
Date: Tuesday, January 06, 2015 3:17:33 PM

From Linda Talman

PO Box 392
LaConner, WA 98257
360 840 1714

Dear Skagit County Commissioners:

I am very concerned that (marijuana) processing plants are being allowed to so grossly impact neighborhoods of this county. I am actually concerned about any Ag related processing plant being allowed so close to a neighborhood.

And I am disappointed that you didn't have the foresight to visit this topic last year. You should have seen it coming.

Neighborhoods must be protected - above all other considerations. Quality of life in the county shouldn't be impacted in the way that the Dunbar Lane or Alger neighborhoods are being impacted. Smells, noise, potential for crime, light pollution, visual pollution. What a nightmare for any family. Imagine what this must feel like.

The law has changed regarding marijuana growing, use, and processing - but planning code has apparently not kept up. If our code doesn't protect neighborhoods from invasive smells, noise, and traffic caused by activities sited in nearby Ag land, the code must be changed.

But this isn't the first time that economic activities have impacted residences. And it isn't all about marijuana. It might be pickles or gravel or who knows what else. We need a code that separates economic activity from residential activity. Buffers of some sort would help. Concentrated locations of either category would help. Plan your way to a better county.

No one needs a land use battle - particularly not residents who are generally the only parties to come up short. Economic activity is never hurt by a location next to neighborhoods. Neighborhoods, on the other hand, are devastated by the proximity. And tax assessments are reduced. Tax

revenues are subsequently reduced. Not good all around.

Please act now to fix what should have been fixed long before now:

1. **Maintain the interim ordinance on Marijuana Facilities that protects neighborhoods but...**
2. **Amend the ordinance to a greater set back (250 feet) and a greater minimum acreage.**
3. Revisit the planning code for Ag related businesses of the county - because it isn't all about marijuana and you should realize this.
4. And please set up the processes in the meantime to create watchdogs within your planning departments for maintaining ethical and whole permit applications.

We deserve your best. We should have gotten it last year.

Sincerely,

Linda Z. Talman

--

Linda Z. Talman
PO Box 392
La Conner, WA
Volunteer Organizational Consultant
La Conner Planning Commissioner

360 840 1714

From: eckthomas@comcast.net
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Facilities
Date: Tuesday, January 27, 2015 3:09:52 PM

Dear Commissioners,
Thank you for the interim ordinance on marijuana facilities. I hope you will not allow marijuana facilities anywhere in the county.

E L Ythomas
911 Tomahawk
Mount Vernon, WA

From: [robert/Marie.turner](#)
To: [PDS.comments](#)
Subject: Guemes marijuana
Date: Wednesday, February 04, 2015 9:41:38 PM

Dear Sir,

I have been a property owner and part time resident of Guemes Island for 20+ years. I am not in favor of establishing a commercial marijuana farm on Guemes Island. It is not a good utilization of the land or of the limited supply of precious water.

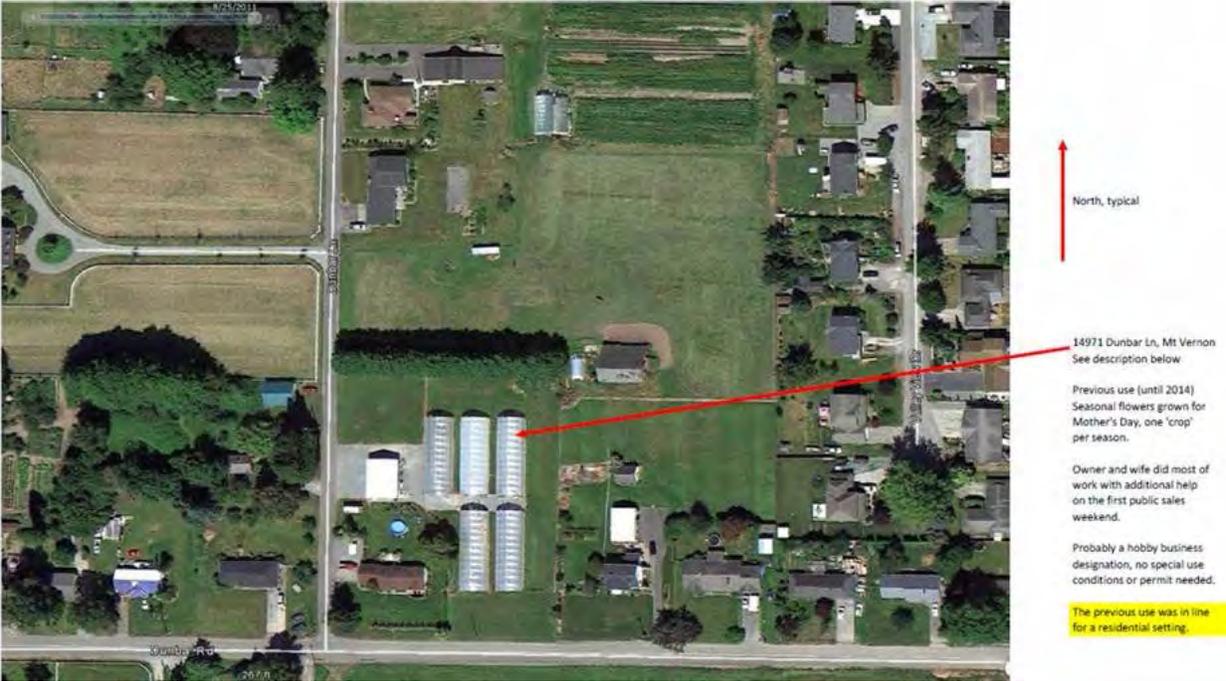
(signed) Robert R.Turner

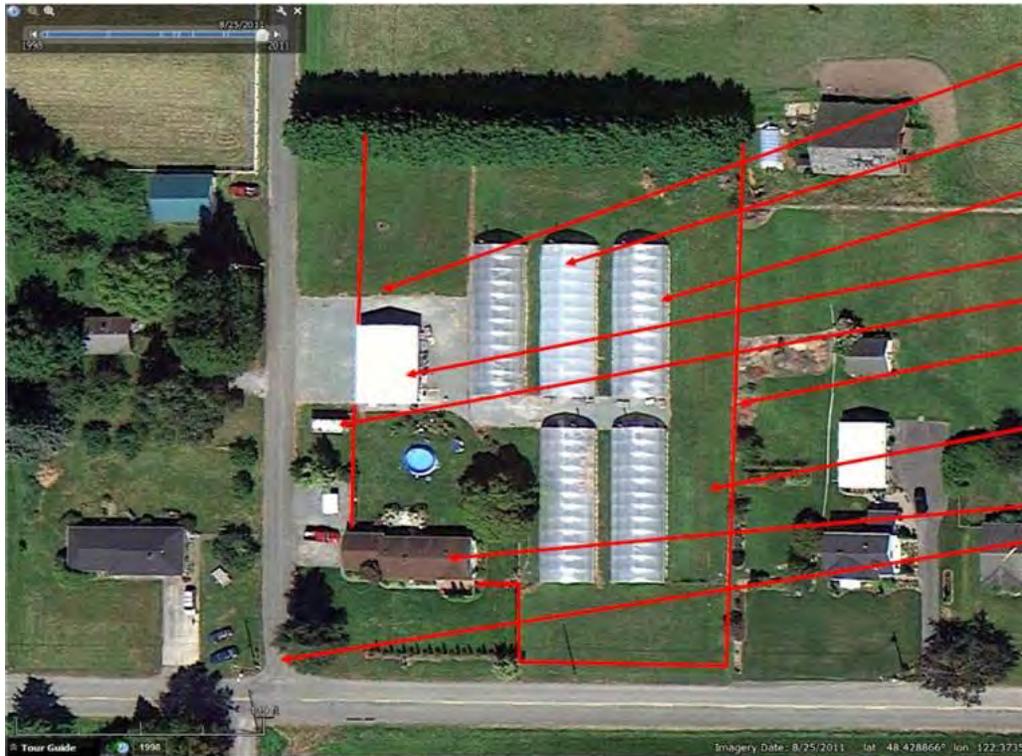
From: [Gregory A Van Wagner](#)
To: [PDS comments](#)
Subject: Greg Van Wagner, 14762 Dunbar Lane, Mt Vernon 98273, Interim Ordinance on Marijuana Facilities
Date: Monday, January 05, 2015 9:38:39 PM
Attachments: [image006.png](#)

Good evening,

I am in full support of the interim ordinance on Marijuana Facilities now and into the future. I respectfully request that the Skagit County Code language be further modified or amended to clearly state with no exceptions that commercial marijuana enterprises shall always be kept separate and away from residential neighborhoods.

It should also be reworded to include facilities such as the one located at 14971 Dunbar Lane, Mount Vernon and others that are similar in nature so that these cannot become 'backdoor' entries into residential neighborhoods. See additional notes below.





2 new containers summer 2014, located about here.

This unit is lighted all night.

Structures are about 30 ft by 96 ft, each

Pole barn is 32 ft x 48 ft

Container is 20 ft x 8 ft

8-ft high fence, summer 2014 (boundary approximate) Fence is not permitted, engineering required > 6 feet.

Per description below, lot is 245 feet wide (E-W) and 355.6 feet tall (N-S)

House per description below.

School bus stop

Note that the new containers, fence and growth of medical marijuana have been done without County approval, and without regard for the neighbors.

Allowing any form of growing marijuana at this location is NOT appropriate and should be stopped immediately. Further, the fence and storage containers should be removed.

UNITS FOR PARCELS 15131-00

Autoreviewer: SKAGIT COUNTY
 Skagit County: [View/Download Properties](#) | [Download Documents](#) | [Google Street](#)

Documents obtained and recorded by the Auditor's office: Septic system information

Parcel Number: 212730
 Owner Information: WATSON TYSON, 108 W 150 N, PRINCEDALE, UT 84200
 2014 Value & Assessed Taxes: Building Market Value \$111,200.00, Land Market Value \$194,100.00, Total Market Value \$305,300.00, Assessed Value \$215,300.00, Taxable Value \$215,300.00

Legal Description: TAX MAPS DE 1: THAT PORTION OF THE SOUTH HALF OF THE SOUTH-WEST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M. (DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1,032.3 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 28.8 FEET; THENCE EAST 285 FEET; THENCE SOUTH 265.8 FEET TO THE SOUTH LINE OF SAID SECTION 13; THENCE WEST 245 FEET TO THE POINT OF BEGINNING, EXCEPT ROAD.

Land Use: (110) HOUSEHOLD BPH OUTSIDE CITY
 Neighborhood: (00M)RURAL MT VERNON RURAL RESIDENTIAL
 City District: Skagit County
 School District: 2755
 Fire District: 102
 Year Built: 1951
 Zoning: 1503-00 R9 B
 Bedrooms: BASIC APPLIANCE SET
 Appliances:
 Exemptions:
 Foundation: CONCRETE
 Construction Style:
 Exterior Walls: SIDING
 Roof Style: PITCHED
 Roof Covering: COMP
 Floor Construction: WOOD SUB FLOOR
 Plumbing: 2 FULL BATHS, HALF BATH
 Heat/Air/Cond: FORCED AIR
 Fireplaces: SINGLE 1 STORY

Lot size provided.

- DISCUSSION POINTS**
- Current use and conditions experienced by this neighborhood include -
 - An awful 'skunk' smell when they process. It lasted a week this fall. The same smell is present any days the sides of the current grow house are opened for venting. It is just a bit less strong.
 - The 8-ft high fence gives the area a nice 'detention center' look that is already being reflected in any potential sales prices.
 - Much is being said about 'grandfathering' but what is shown above is not what the growers intend. Grandfathering doesn't apply since the use is being changed from one seasonal flowering crop per year to a full-time grow operation. The proposed entails a change of use and impacts the neighborhood significantly. It would make this into a commercial enterprise / business.
 - There are always 3 to 5 vehicles now at this property. They appear to rotate periodically. During the time when harvesting presumably occurred, there were 12 - 15 vehicles around for that week or so. Of those, about two thirds had out of state license plates.
 - Finally, one element that is conveniently being overlooked here is this property is in the Flood Plain. Recall, FEMA recently raised the water level this area is to anticipate to a depth of about 5 to 6 feet at this site (and the entire neighborhood). The plastic structures and the wimpy fence will do nothing to contain the proposed quantities of the controlled substance if this facility goes into full-time production.
- The interim Ordinance on Marijuana Facilities needs to be worded to include facilities such as the one located at 14971 Dunbar Lane, Mount Vernon and others that are similar in nature. I am in support of this interim moratorium now and into the future.
- Further, the Skagit County Code needs to keep commercial marijuana enterprises separated from residential neighborhoods. Language needs to be amended to clearly state this intent, with no exceptions.

Thank you very much,
 Greg Van Wagner
 14762 Dunbar Lane
 Mount Vernon, WA 98273

From: [Gregory A Van Wagner](#)
To: [PDS comments](#)
Subject: RE: Interim Ordinance on Marijuana Facilities, Agree, Greg Van Wagner, 14762 Dunbar Lane, Mt Vernon 98273
Date: Thursday, January 22, 2015 5:30:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

My apologies – I hit send and realized you can't accept attachments so I have added it to the bottom of this letter.

Thanks,

Greg

From: Gregory A Van Wagner [mailto:vanwa42252@comcast.net]
Sent: Thursday, January 22, 2015 5:24 PM
To: pdscomments@co.skagit.wa.us
Subject: Interim Ordinance on Marijuana Facilities, Agree, Greg Van Wagner, 14762 Dunbar Lane, Mt Vernon 98273

Good morning,

After listening (and still waiting to speak) to the hearing on 1/06/2015 and digesting what we heard, I have provided comments to the Moratorium language as I see necessary to keep issues / interpretations from diluting the intent of this document. Also, I want to be placed on the 'Agreeing' side of the respondents. This entire issue has been allowed to steam-roll the agencies tasked with protecting the public. Now, before more decisions get made, is a good time to step back and see just what has happened.

My comments in the attachment should be clear to those that will review them but if questions arise, I can become available for clarifications. I would also offer some of my time to join a task force to aide in review of this topic, if that is a future possibility.

Back to the hearing earlier – it quickly became mired and jumbled into several areas that don't apply to Land-use. There were factions still arguing for and against the law passed to legalize marijuana. Frankly, that did nothing but confuse the audience and it should have been then that instructions by the moderators stemmed that discussion and refocused on where these commercial operations can be placed.

There were the factions for medical use that were afraid their supply would be cut off. Seems to me that nothing would change there as long as those dispensaries had followed County land-use requirements. Again, not really a land-use discussion suitable for placement of these commercial operations.

I would offer one criticism here – medical marijuana is still marijuana and should be grown and processed to the same rules as for recreational use, no exceptions. Having two categories is a recipe for disaster later on that the County cannot afford to implement or support. Build one set of rules that has clear language and few exceptions so they can be equally enforced.

There was a good contingent of business operators at the hearing, which was good. Most appeared to be in agreement that where these business located needs to be 'good neighbors' with the surrounding community. Many of these operators appear to be creating good-paying jobs and benefits. This is helpful to this County and should be applauded. There also appeared to me to be consensus among them that these operations needed a lot more land around them than offered in a residential setting.

Many new operations appeared to misunderstand the permitting process entirely. They seemed to say that 'once they paid some money and applied for a permit, they should be home free to do what they wanted, not necessarily what they applied to do'. They further seemed to say that the money they risked on this business ahead of permitting was the County's fault. This is absurd! They took a risk on a new business to reap some rewards but didn't factor in reading or following any additional rules. Many of them appeared to be coming into contact with the County permitting process for the first time, and are unprepared for or unaware of the process.

As a point of reference, I work in an area where I have been involved with hundreds of permit applications in Skagit and Whatcom Counties, and dozens more throughout the west coast region. Some of these projects have involved land-use issues, more have included public works departments and the vast remainder have involved the building departments. One thing these hearing attendees need to understand is that a permit application is no guarantee of receiving a final permit. I have had numerous (too many) applications prepared only to have rules change and have to re-build the applications package to satisfy these new codes and standards. The risk of this happening remains with the land-owner / proponent every time and that is a cost of doing business anywhere.

This may come as a surprise to some but when you become a land owner or operator, you agree by default to the land-use rules in effect at that time established by the governing jurisdiction. You also agree that if change is needed to be a part of the process of that change. You further agree that any such changes will likely not happen overnight so you have to become persistent if your suggested change is appropriate for the entire community and, if necessary you seek a 'conditional use' to secure that change. This certainly didn't appear to be understood by very many in attendance.

The County already has land-use rules established for commercial business operations. Muddying the discussions by saying marijuana processing is 'agricultural' is not a solid argument for allowing these facilities in residential areas simply because breweries and distilleries are already prohibited from this land-use and they also rely on agricultural products. Commercial operations require additional space around them for many reasons, most of which cannot be offered in a residential setting.

One other issue that is completely being missed by all parties and especially the county and city jurisdictions is that the emergency responders for any significant fire at one of these sites may have their health affected. These commercial operations will be large in nature and all have significant heat-sources with fuel supplies. The first one of these to catch fire may end up burning itself out because firefighters may be concerned about a zero-tolerance employment drug test if they are involved. They are not likely to risk their jobs and benefits for this, which means the smoke from such an event will then affect the entire neighborhood where the facility is located. Kids and adults alike are all at risk in this situation if the facility is in a residential neighborhood.

I support the County moratorium currently and into the future. I support taking the extra time needed to get this governed properly the first time. There will always time to add exceptions in the future after there is a track record on which to base them.

Thanks,

Greg

[Attachment inserted as pages below –](#)

An Interim Ordinance Repealing Ordinance O20140008 and Adopting Revised Interim Regulations Regarding Marijuana Facilities in Specified Zones

Whereas state law establishes dual systems of largely-unregulated medical marijuana and heavily regulated recreational marijuana;

Whereas RCW 69.51A.140 provides that a county may adopt zoning requirements, business licensing requirements, health and safety requirements, and business taxes as those requirements relate to the production, processing, or dispensing of medical marijuana;

Whereas the State Attorney General has issued a formal opinion (AGO 2014 No. 2) advising that licenses for recreational marijuana production, processing, or retail facilities issued by the State Liquor Control Board do not preempt a county's ability to regulate those uses through zoning;

Whereas Skagit County considers the outdoor growing of marijuana to constitute "agriculture" for the purpose of application of the County zoning code and therefore has no specific zoning requirements that govern the siting of outdoor marijuana production facilities;

Whereas County residents have expressed concern about the real and potential effects of marijuana facilities on neighboring properties and neighborhoods and the rural character of rural residential zones;

Whereas other jurisdictions, including cities in Skagit County, have from time to time adopted moratoria or other interim development regulations to prohibit or manage the production, processing, or sale of medical or recreational marijuana;

Whereas federal law, as set forth in 21 USC § 841(a), makes it illegal to manufacture, distribute, or possess with intent to distribute any controlled substance, and pursuant to 21 USC § 812, marijuana is a Schedule I controlled substance;

Whereas the Division I Court of Appeals, in *Cannabis Action Coalition v. City of Kent* (2014), has held that neither medical marijuana nor collective gardens have been legalized under state law;

Whereas pursuant to the Growth Management Act, RCW Chapter 36.70A, the Skagit County Board of Commissioners has adopted the Skagit County Comprehensive Plan and Title 14, the Unified Development Code, for all unincorporated areas of Skagit County;

Whereas RCW 36.70A.390 and RCW 36.70.795 authorize the County Commissioners to adopt a moratorium, interim zoning ordinance, or interim official control without notice and public hearing, provided that the County holds a public hearing within 60 days after the adoption of the moratorium, interim zoning ordinance, or interim official control and adopts findings of fact justifying the action;

Whereas an interim ordinance adopted under RCW 36.70A.390 and RCW 36.70.795 may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period;

Comments by
Greg Van Wagner
14762 Dunbar Lane
Mount Vernon, WA 98273

Whereas a moratorium is a recognized technique to avoid a rush for permits whenever a community decides to change its planning ordinances;

Whereas the Board adopted Ordinance O20140008 on December 15, 2014, creating a moratorium in certain zones and adopting a 250-foot setback in other zones;

State more clearly and enforcably. Must use the property line; crossing onto Other's property for measurement is trespassing.

Now Therefore Be It Ordained:

Section 1. Findings of Fact. The Board of Commissioners adopts

SCC already protects Residential from other businesses like breweries and distilleries which also use "agricultural" products... The 'emergency' seems to be that over 100 voters in the hearing room 1/6/2015 couldn't even reach a consensus of the real issue, land use.

- (a) The above recitals are incorporated as findings of fact.
- (b) An emergency exists and the immediate adoption of this ordinance is necessary for the protection of the public health, safety and welfare of the community.
- (c) The County needs to develop permanent regulations for these uses in the interest of protecting public health and safety, and it is in the public interest to provide adequate time to evaluate the best alternatives and the potential effects of these uses on neighboring properties and the community as a whole.
- (d) The Legislature is expected to amend state law in the next legislative session to harmonize the medical marijuana statute with the recreational statute (I-502) and make other changes to the marijuana statutes to comply with directives from the U.S. Department of Justice.
- (e) This ordinance is exempt from the public participation requirements of the Public Participation Management Act, subject to the provisions of RCW 36.70A.390.
- (f) This action is taken consistent with the State Environmental Policy Act provisions at WAC 197-11-880 regarding emergency actions.
- (g) Ordinance O20140008, adopted December 15, 2014, contained required setbacks that were larger than the minimum necessary to avoid impacts to neighboring properties and interfered with the imposition of municipal development regulations in municipal urban growth areas.
- (h) The Board desires to allow uses that do not impact neighboring properties to the extent of the setbacks.
- (i) Transparent structures and security fencing have a more significant impact on neighboring residences than opaque buildings.
- (j) The minimum lot size in agricultural and secondary forest natural resource zones is 40 and 20 acres; marijuana facilities should be located on larger lots within these zones to avoid impacts on neighboring uses.

This is a non-issue as the County decides appropriate land-use, regardless of possible State action.

This is a non-issue as the County decides appropriate land-use items.

Complete agreement. Consider long, skinny lots, odd shaped lots when wording this finally.

Need to include existing and proposed, also non-conforming and non-compliant structures.

Section 2. Ordinance O20140008 is repealed.

Comments by
Greg Van Wagner
14762 Dunbar Lane
Mount Vernon, WA 98273

Section 3. Moratorium and Setbacks.

- (a) The Board of Commissioners hereby declares a temporary moratorium prohibiting the permitting, establishment, or maintenance of:
- i. any marijuana production or processing facility in the following zones: Rural Intermediate, Rural Reserve, Rural Business, Rural Center, Rural Resource-NRL, Rural Village Commercial, Bayview Ridge Residential, or Hamilton Residential;
 - ii. any medical marijuana dispensary or collective garden in any zone.
- (b) Except within municipal UGAs where municipalities' development regulations apply (i.e., A-UD, MV-UD, and L-UD), marijuana production or processing facilities must comply with the following:
- i. a structure constructed with transparent or translucent siding, and any security fencing, must be set back at least 250 feet from any residence not owned by the facility operator;
 - ii. any other marijuana production or processing structure must be set back at least 100 feet from any residence not owned by the facility operator; and
 - iii. in the Natural Resource Zones (Agricultural-NRL and Secondary Forest-NRL), a marijuana production or processing facility must be situated on a lot of at least five acres.

This can't be short-worded or combined with medical. Each needs spelled out separately and completely.

- (c) For the purpose of this ordinance, "medical marijuana dispensary" means any land use that involves the sale or provision of medical marijuana, other than a collective garden. "collective garden" has the same meaning as in RCW 69.51A.085. "Marijuana production or processing facility" includes, but is not limited to, any marijuana production or processing facility licensed by the state.

...and meet the setback requirements of i. and ii. above.

Both of these need reworded to say 'Property Line'. As stated, these can't be measured without trespassing.

Section 4. Work Plan.

- (a) Public Hearing. Pursuant to RCW 36.70A.390 and 36.70.795, the Board of Skagit County Commissioners will hold a public hearing on Tuesday, January 6, at 8:30 am in the Commissioners Hearing Room, 1800 Continental Place, Mount Vernon, Washington.
- (b) The Planning & Development Services Department is hereby directed to work with the Skagit County Prosecutor's Office and Sheriff's Office to develop draft regulations regarding marijuana dispensaries, collective gardens, or production, processing, or sales facilities for expected adoption through the legislative process defined in SCC 14.08 before the expiration of this ordinance.
- (c) The planning process should address such issues as the appropriate distance of these uses from schools, daycare facilities, public parks, other public facilities, and other dispensaries or collective gardens; the impacts associated with odor and lighting; appropriate screening and

Comments by
Greg Van Wagner
14762 Dunbar Lane
Mount Vernon, WA 98273

other, similar development regulations; and an analysis of the potential secondary impacts associated with these uses.

- (d) Staff is directed to review and consider the experiences of other jurisdictions dealing with similar situations.

Section 5. Effective Date — Vesting — Severability.

- (a) This amendment is an interim ordinance, takes effect immediately upon passage by the Board of County Commissioners, and with adoption of the abovementioned work plan, is effective for one year.
- (b) This ordinance does not apply to any uses legally established, permits issued, or applications vested, before the effective date of this ordinance. Pursuant to Skagit County Code 14.02.050, an application vests when the application is deemed complete pursuant to Skagit County Code 14.06.090.
- (c) If any section, sentence, clause, or phrase of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality will not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

This wording cannot allow those that don't or haven't follow the existing County rules upfront to get 'vested' from compliance actions after the fact.

End of comments.

Thank you

From: [Julie Wallace](#)
To: [PDS comments](#)
Subject: "Interim Ordinance on Marijuana Facilities"
Date: Monday, January 05, 2015 7:21:18 PM

Please do not allow marijuana grow operations in our family neighborhoods & our rural farm & play areas. It is not the same as other horticulture & farming endeavors, & does change the flavor & safety of these areas where we raise our families, play, & wish to peacefully retire & grow old.

Thank you,
Julie Wallace
12659 East Lake Drive
Sedro Woolley, WA

From: [sheena wilson](#)
To: [PDS comments](#)
Subject: Interim Ordinance on Marijuana Growing Facilities
Date: Monday, January 05, 2015 4:14:49 PM

Dear Commissioners,

As a homeowner in the neighboring vicinity of the Marijuana Grow operation on Dunbar Street in Mt. Vernon, I support the ordinance to revise the boundaries for a marijuana grow operation within residential boundaries.

Unlike many other agricultural enterprises, there are many unique factors to take in to consideration, regarding safety and well being of those who live in proximity to the said business. If this weren't the case, I suggest there would not be security cameras focussed on the neighboring houses etc.

Please listen and hear the voices of those directly impacted by your decisions and support the proposed changes that would prevent these enterprises from settling in to our neighborhoods.

Thank you very much for your attention,

Sincerely,

Sheena Wilson

From: [Heather Wolf](#)
To: [PDS comments](#); [Commissioners](#)
Cc: [Ryan R. Walters](#)
Subject: Comments on Interim Ordinance on Marijuana Facilities
Date: Tuesday, January 27, 2015 3:28:33 PM
Attachments: [Letter re Interim Ordinance on Marijuana Facilities.pdf](#)

Attached please find our letter addressing the Interim Ordinance on Marijuana Facilities. Our comments pertain to marijuana facilities in the Ag-NRL zone.

Thank you,
Heather Wolf

--

Heather Wolf
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Brownlie  Evans Wolf & Lee
ATTORNEYS AT LAW

heather@brownlieevans.com

VIA ELECTRONIC MAIL AND U.S. MAIL

January 27, 2015

Ron Wesen
Skagit County Board of Commissioners
1800 Continental Place, Suite 100
Mount Vernon, Washington 98273

Ken Dahlstedt
Skagit County Board of Commissioners
1800 Continental Place, Suite 100
Mount Vernon, Washington 98273

Lisa Janicki
Skagit County Board of Commissioners
1800 Continental Place, Suite 100
Mount Vernon, Washington 98273

Re: Interim Ordinance re Marijuana Facilities

Dear 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 recreational marijuana processor license and a tier one recreational marijuana producer license at this location. Another business has also applied to operate a tier 1 recreational marijuana production facility on the Property. The purpose of this letter is to strongly urge you to amend the Interim Ordinance on Marijuana Facilities (the “Ordinance”) in order to eliminate the lot size restriction in the Agricultural-NRL (“Ag-NRL”) zone.

Mr. Finney purchased the Property in November of last year after spending months investigating the suitability of the Property for I502 use. Mr. Finney’s due diligence included reviewing the applicable zoning regulations and confirming the same with Staff at the County Planning Department. The zoning regulations in place at the time of purchase allowed for operation of the intended marijuana production and processing facility in the Agricultural-NRL zone where the Property is located. In addition to complying with the applicable zoning regulations, the Property was perfectly located for I502 use.

The Property is approximately 0.8 acres in size and is very well suited to use as an I502 facility. 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.

Very little if anything is required in terms of building improvements on the Property. An existing opaque warehouse, 5200 square feet in size, is located on the Property. Cedardale obtained permits from Puget Sound Energy to provide the necessary power to the warehouse but otherwise no further improvements nor permits were necessary. Because Cedardale did not require a building permit, there was no avenue for it to vest to the regulations in place at the time it purchased the Property. Cedardale's facility is constructed and ready to operate pending license issuance by the State. The Ordinance, however, will make it impossible for Mr. Finney to operate his business on the property that he owns and upon which his application to the Liquor Board relies.

We do not find any justification for the brand new restriction that precludes marijuana production and processing facilities on parcels in the Ag-NRL zone less than five acres in size. The County's rules, which were in place until about a month ago, allowed marijuana production and processing facilities in the Ag-NRL zone subject to certain restrictions. Cedardale's facility complies with these restrictions as well as the setback requirements set forth in the Ordinance.

Presumably, the Ordinance was implemented to address any concerns in regard to locating marijuana facilities in close proximity to residences. Whether a parcel is five acres or less, however, is immaterial to these concerns. By way of example, if Cedardale's Property, which is less than once acre in size, were surrounded by similarly sized parcels, the prior existing setback requirements would make it impossible to operate a marijuana facility on the Property due to the fact the any residence on these small parcels would necessarily be within 100 or 250 feet of a marijuana facility on an adjacent parcel. In contrast, because Cedardale's Property is primarily surrounded by forty acre parcels, there is no residence that would create a conflict with the Ordinance's setback requirements. Consequently, there is no need to restrict lot size when the County already has setback restrictions to buffer nearby residences.

Rather, the lot size restriction prohibits 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. By prohibiting these facilities on parcels less than five acres, the County is encouraging exactly the opposite of what is to be encouraged in the Ag-NRL zone, namely residential uses that often ended up being incompatible with neighboring agricultural uses.

It is also important to note that there is no similar 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.

The lot size restriction for marijuana facilities appears to be arbitrary and capricious due to the lack of rationale for such a restriction and the failure to impose a similar lot size restriction on other uses in the Ag-NRL zone.

It is simply patently unfair to change the rules out from under Mr. Finney and his business partners. I502 licensees can't simply move their investment and find another location upon which to operate. Onerous development regulations, such as the proposed lot size restriction, thwart the viability of the legitimate and state regulated recreational marijuana business market. We understand that there may be concerns in regard to locating I502 facilities close to residential neighborhoods. But, this is clearly not the case with regard to the Cedardale Property. The Ag-NRL zone is meant to be utilized for agricultural activities and the current buffer requirements protect any residential uses in this zone.

Little attention has thus far been paid to the economic development opportunities presented by the licensing of recreational marijuana operations. Economic development cannot occur in the face of restrictive regulatory hurdles. The Ordinance precludes development of legal marijuana facilities in most of Skagit County, which also means that it will preclude new economic development at these locations. Certainly overly restricting and/or prohibiting an otherwise lawful business is contrary to promoting a healthy economy; and moratoria and rule changes continue to unnecessarily create costly hurdles to economic development.

When Mr. Finney purchased the Property, he did so as did all other Skagit County I502 applicants in reliance upon those County rules that existed prior to December 22 of last year. It is not feasible at this late date for potential licensees to simply find other locations that meet the parcel size requirements.

We therefore strongly encourage you to remove the arbitrary lot size requirement in the Ag-NRL zone so that Mr. Finney may proceed with his investment. Alternatively, the lot size restriction should be removed with regard to existing opaque buildings in the Ag-NRL zone. As indicated above, there will be no adverse impacts emanating from an opaque warehouse. Additionally, use of an existing opaque structures for I502 production facilities would not lead to conversion of additional agricultural land and is consistent with the prior regulations regardless of parcel size.

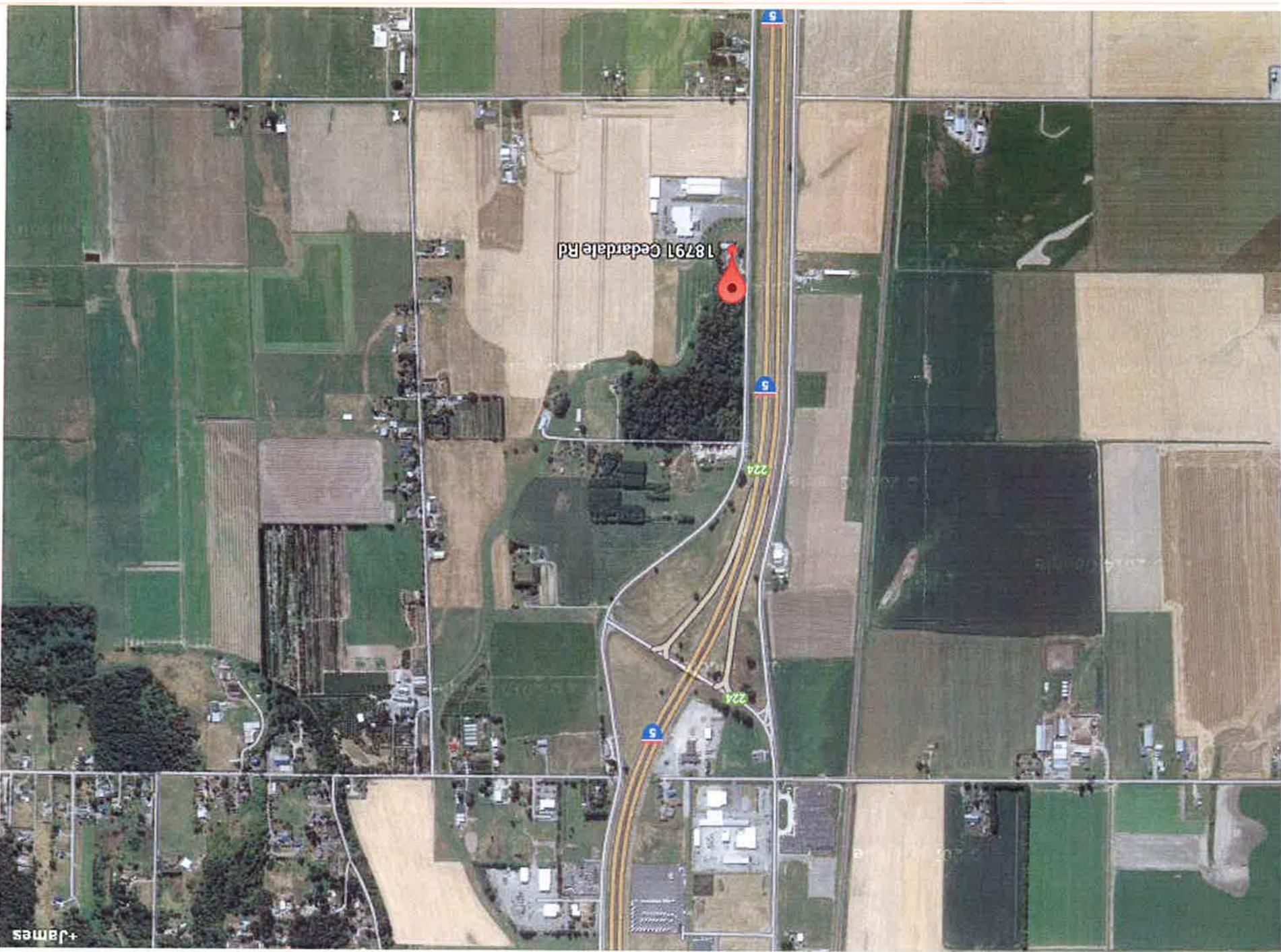
Sincerely,

Brownlie Evans Wolf & Lee, LLP



Heather Wolf

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



Brownlie  Evans Wolf & Lee
ATTORNEYS AT LAW

heather@brownlieevans.com

VIA ELECTRONIC MAIL

February 5, 2015

Ron Wesen
Skagit County Board of Commissioners
1800 Continental Place, Suite 100
Mount Vernon, Washington 98273

Ken Dahlstedt
Skagit County Board of Commissioners
1800 Continental Place, Suite 100
Mount Vernon, Washington 98273

Lisa Janicki
Skagit County Board of Commissioners
1800 Continental Place, Suite 100
Mount Vernon, Washington 98273

Re: Interim Ordinance re Marijuana Facilities

Dear Commissioners:

Thank you for providing us the opportunity to testify in regard to my client's property, which is located at 18791 Cedardale Road (the "Property"). The Property is slightly less than an acre in size and is located in the Agricultural-NRL ("Ag-NRL") zone. As discussed in our prior correspondence, we request an amendment to the Interim Ordinance on Marijuana Facilities (the "Ordinance") in order to eliminate the lot size restriction in the Ag-NRL zone. Alternatively, we request that existing opaque structures be exempted from the minimum lot size requirement in the Ag-NRL zone.

We have attended both public hearings in regard to the Ordinance, and to the best of our knowledge, no complaints have been raised in regard to locating I502 facilities in the Ag-NRL zone. Rather, the concerns appear to be in regard to locating these facilities in Rural zones in proximity to residential neighborhoods.

As we have discussed, Mr. Finney's property is not located anywhere near a residential neighborhood. Rather, the Property is primarily surrounded by large agricultural parcels. The setbacks in the Ordinance will ensure that Mr. Finney's I502 facility will not be located near any neighboring residence. Because the Ordinance's setback requirements already serve to protect residential uses, there is no need for a minimum lot size requirement. Additionally, the use of an existing opaque structure by Mr. Finney will further ensure that there will not be any impacts on neighboring properties.

Skagit County Board of Commissioners

February 5, 2015

Page 2

We further request that the Ordinance be amended and the County's I502 regulations be finalized as soon as possible. Mr. Finney and his business partners are under a great deal of pressure both financially and from the Washington State Liquor Control Board to keep making progress towards licensure. We are aware that other recreational marijuana license applicants, who have been forced to find new locations due to changes in local zoning rules, must do so by April 1 or risk having their license application terminated. Consequently, time is of the essence in this matter.

Finding a new location is simply not an option for Mr. Finney nor his I502 tenant at this late date. We believe that amending the Ordinance to eliminate the lot size restriction or otherwise exempt existing opaque structures will not cause any adverse impacts, but instead will allow Mr. Finney to proceed with his investment in his marijuana production and processing facility in the Ag-NRL zone, which is the appropriate zone for this activity.

Sincerely,

Brownlie Evans Wolf & Lee, LLP



Heather Wolf

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

From: [Tony Wyatt](#)
To: [PDS comments](#)
Subject: Interim ordinance on marijuana Facilities
Date: Tuesday, February 03, 2015 9:16:10 AM

I believe that if the State and counties are going to allow the use and growth of a drug then they need to be able to regulate it as they do with all other legal businesses ran in the State. This is going to be very difficult to do if you allow grow operations in residential back yards and should only be able to take place in a industrial zoned area.
Thank you for your time
Tony Wyatt