

Lauren Davidson

From: Stacy Storm <sstorm26@gmail.com>
Sent: Sunday, April 10, 2016 7:11 PM
To: Lalena Johns; Sheilah Kennedy; Jim DeTro; Ray L. Campbell; Perry Huston; Planning
Subject: Comments on proposed zoning code

April 9, 2016

We are writing in opposition to the Conditional Use Permit requirement for Marijuana Producers, Processors and Retailers. After attending the planning commission hearing Monday evening, March 28 and studying the issue, this course of action seems to be a taking of property rights.

We live at the Northern end of Greenacres, Rd. above Riverside. We are about a mile and away from the big concentration of grows. In full interest of full disclosure, we rent a piece of property across from our place to a grow. We have long been supporters of private property rights. The right to utilize one's property in a legal fashion is one of the key pillars of freedom. It is not right to single out an industry just because it is not popular and make it difficult for them to do business. That sets a dangerous precedent. Now it is the Marijuana industry, but what industry might be next?

We understand that the state law, in RCW 82.04.213, states that marijuana is not agriculture. Since this is a current state law the county could not classify marijuana as agriculture in the zoning code without opening themselves up to lawsuits that are a waste of taxpayer money. However they could designate marijuana growing, processing and retail as permitted activities in all zones as long as the operation is properly licensed and in compliance with the requirements of the WSLCB. There are laws in place to deal with offenders.

We have listened to the complaints about the industry. We took a drive up Benson Creek and looked at the grows there. We live near the cluster of grows on Greenacres Rd. It seems that many of the complaints are coming from people who opposed I-502 and although it passed by a majority in both Okanogan County and the State they do not want marijuana anywhere around. As we drove home the other night we compared the lights visible in the grows on one side of Greenacres Rd. with the outdoor lighting around the homes on the other side of the road. There did not seem to be a drastic or annoying difference when viewed as a neighbor might. Yes, marijuana has a unique odor. We don't find it unpleasant and get nose blind to it rather quickly. We walk, bike and otherwise near the pot farms and do not even notice the odor except for a few weeks at certain times of the year. It certainly would not meet our criteria of a stench. A stench might describe the manure used in some orchards, silage curing or a pig farm. These smells are all part of rural life and so should the odor of marijuana ripening. The other complaint is increased traffic. However if that same land were sold off in 5 acre home sites there might well be the same impact of lighting and traffic and quite possibly noise and other problems depending on who purchased those lots. Some have also stated the having a pot farm nearby lowers their property value. If this is so, where is the proof? Would not some buyers be attracted to the property because of its proximity to a grow?

In closing, the marijuana industry faces enough regulation without being required to meet increased zoning requirements. Okanogan County should welcome new businesses with open arms and make it easy for them to operate in our county. Existing businesses should not be singled out and required to meet requirements that were not in place when they went into business. Requirements to locate a business should be consistent and straight forward and apply equally across the board. A conditional use permit could become a game of mother-may-I with the neighbors over how a person can utilize their property. A person would be hesitant to try to

locate a marijuana business, or any other business here when faced with the uncertainty of the conditional use permit process. There are just too many variables often based on the personalities of those involved.

The only property use that an individual can rightly control, is that of his/her own property. How our neighbors choose to utilize their private property is not any of our concern. When a neighboring property sells it is the choice of the new owner how to utilize it. That new owner should not have to seek permission from any of the neighbors. If we were concerned about controlling the use of that property we should have purchased it ourselves.

We submit that the best course of action would be to make marijuana a permitted industry throughout the county as long as the operation is licensed in good standing with the WSLCB and in compliance with their siting and other requirements. Alternative section Chapter 17A.290

MARIJUANA OPERATIONS which was recently posted on the planning commission site is a reasonable alternative except it still refers (near as we could tell) to the old Chapter 17A.220 which required a conditional use permit for marijuana operations in all use districts. If the District use map were amended to make Marijuana Operations permitted in most districts within the siting guidelines of the WSLCB, the Alternative section Chapter 17A.290 would seem quite reasonable.

Thank you for your consideration
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