

**Lauren Davidson**

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**From:** tim@antoinecreekfarms.com  
**Sent:** Wednesday, March 16, 2016 7:40 PM  
**To:** Planning  
**Cc:** tim@mccormacklegal.com  
**Subject:** Comments - Proposed Marijuana Zoning Changes  
**Attachments:** 2016\_03\_16\_LTROUT\_Okanogan Planning Commission.pdf

Dear Planning Commissioners,

Attached are my comments for the meeting to be held on March 28th regarding the proposed marijuana zoning changes.

Sincerely,

Timothy B. McCormack

Antoine Creek Farms  
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". . . in the world at large truth, honesty and integrity of character are the winning hands."



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March 16, 2017

Okanogan Planning Commission  
123 5<sup>th</sup> Ave N, Suite 130  
Okanogan, WA 98840

**Re: Proposed Marijuana Zoning Changes**

Dear Commissioners:

I'm writing on behalf of Antoine Creek Farms LLC located in rural Okanogan county. We have not had time to study the proposal and changes adequately (additional time would have been helpful), but it seems like the main focus is on locating marijuana farms outside of populated areas. Having a restriction on a marijuana farm that is right next to a residential home makes sense (unless the farm itself has a separate farm house like we do). That type of zoning regulation could make sense. We can provide more specific comments once we've had time to digest the proposal changes.

What I would like to point out, however, is that zoning changes to pre-existing operations could violate the US Constitution's Fifth Amendment restriction on government "Takings". There is also similar protection in the Washington State Constitution. For example, a zoning regulation effectively shutting down a pre-existing business would likely require Okanogan county to pay damages under the "Takings Clause". That kind of lawsuit and possible damages could really affect our county.

There are many possible ways for the Okanogan Planning Commission and local marijuana producers and processors to find successful compromise. But this will take some time. I would recommend extending the time for public comment by at least six months. This would be a good time to engage the local entrepreneurs. I would be happy to discuss the matter with any of the Okanogan County officials.

Marijuana production in Okanogan County represents a great new source of business, jobs, and possible tax revenue that can help bring our county to even better places.

Although business has been difficult, we at Antoine Creek Farms believe that Okanogan County should also benefit from this enterprise. We have plans, for example, to donate money to the Okanogan county sheriff's department for retraining K-9 units - which is much needed. This might be a good opportunity to ask other marijuana farmers and producers to join in and support these types of important



causes. I hate to suggest increasing taxes, but a fair and proportional tax increase for land utilized in the production or processing of marijuana could be a possible option. Perhaps that money could be earmarked for law enforcement dealing with an ever-increasing heroin and meth problem plaguing our beautiful County. Increased fees to the building department to carry the heavy burden of dealing with some of the uncertainties associated with marijuana production could also help make sure that marijuana production in Okanogan county is the best and safest in the world.

I personally believe that the failed war on drugs does not need any more grief associated with marijuana. We need to spend those precious resources on hard drugs like methamphetamine and heroin. Marijuana cultivation and processing might be able to help in that mission.

Additionally, Okanogan County represents agricultural land allowing farmers like us to grow marijuana in the outdoors. This creates a low carbon footprint marijuana that is good for the environment. There are not a lot of places in the state that can do that. Shutting down marijuana production in Okanogan County will increase indoor marijuana production, which is bad for the environment.

The example we set here in Okanogan County will likely be looked at by the entire nation as production of marijuana is rolled out state-by-state. Currently Washington State grows 80% of the nation's hops. We grow more potatoes than any state in the nation. We are the second largest producer of wine in the nation. Apples? I don't even need to mention apples. Agriculture and farming is a huge part of Washington state economy. The reason is simple. We have prime agricultural land which is perfect for growing many crops - including marijuana. With some thoughtful vision and planning now, the nation's supply of marijuana could be grown right here in Okanogan County with all the jobs and taxes and prestige that will go along with such production.

I strongly urge you, the Okanogan County Commissioners, to consider these and related issues. I know you are frustrated with many different things, including what appears to be a lack of support from other state agencies. But this is not a time to cut our nose off. This is the time to come together and answer questions in a way that benefits our community and our nation. Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Tim McCormack", written over a horizontal line.

Timothy B. McCormack  
Owner of Antoine Creek Farms and Attorney at Law  
[Tim@AntoineCreekFarms.com](mailto:Tim@AntoineCreekFarms.com)