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March 25, 2016

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Okanogan County Regional Planning Commission
123 5th Ave N.
Okanogan WA, 98840

OKANOGAN COUNTY
PLANNING & DEVELOPMENT

Re: Zoning Code and Conditional Use Permit for Marijuana Businesses

The look and feel of Okanogan County has changed since we relocated our family here in 2003. With the legalization of marijuana in 2012 came the promise from the Washington State Liquor Cannabis Board (WSLCB) that this industry would be well-regulated and not harmful to our county. I believe that promise has not been kept. Driving around our county I see fences surrounding grows that are not maintained and trailers parked inside fences that I assume are to house seasonal workers. As a member of the Okanogan County Community Coalition, I have learned that there is only one LCB agent to monitor the pot grows and processors for the two counties of Okanogan and Douglas and this person is located in Wenatchee. It seems highly unlikely that adequate enforcement is happening for the 50+ licensed pot grows in our county. Our county was promised better and I believe the marijuana grows should be regulated like any other agricultural business in this county with respect to water use, pollution, pesticide use, security and worker housing.

The retail side of the marijuana business is yet another place where the Washington State Liquor Cannabis Board (WSLCB) has not kept the promises it made to Washington citizens. The rules state that that there should not be retail stores within 1000 feet of recreation centers and video game arcades and yet we have the Sage Shop open in Omak. I think the County Commissioners are correct in addressing outlet density and placement, as we cannot leave this up to the state WSLCB who makes decisions for our county without regard to local concerns and needs.

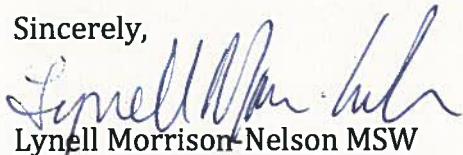
Since our county requires conditional use permits for event centers, campgrounds and cellular communications towers, it seems only reasonable the county enact some local regulation of this expanding industry. To this end, I would urge the County Commissioners to pass a conditional use permit for marijuana businesses which includes the following provisions:

- Ban marijuana producers and processors from land zoned as urban residential, neighborhood use, neighborhood commercial, rural residential and low density residential. What we have learned over the past two years is that marijuana production and processing causes unreasonable nuisance and harm to the neighboring properties because of light pollution, odor, visual decay of the neighborhood, and potentially decreased property values of the neighboring properties. We have also learned the WSLCB has little to no regard for these local concerns.

- Provide a means for local oversight for marijuana businesses that create identified problems or nuisance; or excessive strain on local services, including law enforcement. Include the authority to suspend or revoke the CUP for violations or lack of mitigation.
- Require annual review by the planning department for compliance with WSLCB rules including: adequate security, adherence to the traceability system, and compliance with all state and local laws including water rights, and proper disposal of cull product. We recommend a fee for annual review so that this will be cost neutral for Okanogan County.
- Require a separate permit for the burning of cull product. The licensee should pay for on-site observation and supervision by local fire department and/or law enforcement during the burning of product to ensure neighborhood safety and minimize the risk of leakage of product into the black market. Currently WSLCB approves burning of cull marijuana, but they are not present during the burning nor do they notify local law enforcement. Before issuing a local permit, the marijuana licensee should be required to submit documentation showing that WSLCB approved their proposed burning of marijuana and the quantity approved for burning.
- Require reporting of all theft and criminal activity to local law enforcement. This is particularly important so that we can track and respond to problem businesses. During our routine public records requests we have uncovered that crimes are at times only being reported to WSLCB and not to local law enforcement. WSLCB does not appear to be communicating these crimes to local law enforcement jurisdictions.
- Require an assignment clause requiring any person purchasing a property with a CUP for marijuana to go through the local public review period before being assigned the CUP. This will allow for oversight during a transfer of property title, identification of problems, and the ability to limit grandfathering property if overtime the specific location became non-compliant.
- Require adequate setback of the marijuana crop from highways and public roads. This provision will help maintain the intent of the "visual barrier" required by WAC. While we were assured several years ago by WSLCB that there would be a "visual barrier" -many of the pot grows in our county are quite visible and WSLCB chooses not to act.

As a parent, social worker and voter in this beautiful county, I want to preserve what makes this a great area to live and work in for all. Thanks for your consideration in this matter.

Sincerely,



Lynell Morrison-Nelson MSW

Omak Resident

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