

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 16, 2015**

The Skagit County Board of Commissioners met in regular session on Tuesday, June 16, 2015, with Chair Kenneth A. Dahlstedt, Commissioner Lisa Janicki, and Commissioner Ron Wesen present.

I. CALL TO ORDER:

Chair Dahlstedt called the proceedings to order at 8:33 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dahlstedt led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. - 10:30 a.m. Planning and Development Services - Dale Pernula, Director:

Chair Dahlstedt introduced Dale Pernula.

1. Public Hearing/Possible Action: To Consider Testimony Regarding Permanent Regulations for Marijuana Facilities

Mr. Pernula and Civil Deputy Prosecuting Attorney Ryan Walters were present to discuss the proposed permanent regulations for marijuana facilities and they briefed the Commissioners on the work performed to date on the proposed ordinance by Planning and Development Services and the Planning Commission.

Mr. Pernula provided a summary of zoning for production, processing, and retail of marijuana which can be found on page 9 of the staff report dated May 21, 2015.
<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/06152015>

Chair Dahlstedt thanked Planning and Development Services and the Planning Commission for their work on developing an ordinance to address regulating marijuana facilities in Skagit County. Chair Dahlstedt opened the public hearing at 8:54 a.m. and announced that the timer would be set for 3 minutes in order to give everyone present an opportunity to address the Commissioners.

Sharyn Sowell of Mount Vernon spoke in support of the regulations proposed by the Planning Commission and she believed that facilities should only be allowed in industrial zones with 1,000 foot notification requirements. She also agreed with only allowing production/processing in opaque structures and eliminating collective gardens. She added that residential greenhouses should be 8 X 10 feet in size or smaller.

Lori Scott of Burlington spoke in support of the regulations proposed by the Planning Commission. She did not support outdoor production and she believed production/processing should only be allowed in industrial areas. She agreed with the 1,000 foot notification requirement, said that only Washington licensed facilities should be considered, and that all facilities should be expected to allow access to authorities. Ms. Scott also requested that current facilities comply with the ordinance.

Roger Mitchell of Bow spoke in support of the regulations proposed by the Planning Commission and clarified that 1,000 foot notification should be measured from the property line and not the facility. He said that marijuana was not an agricultural crop, that it should only be produced/processed in the industrial zone, that only opaque structures be allowed, to prohibit the use of hazardous chemicals, to consider the amount of water needed to produce marijuana and to justify its use when compared with current restrictions on neighbors and farmers, understand that recreational and medical

marijuana rules are different, and, to prohibit the use of marijuana next to a facility that sells, produces, or processes it.

Delinda Baughn of Mount Vernon thanked the Planning Commission for their hard work and diligence and she spoke in support of the regulations proposed by the Planning Commission, asking the Commissioners to adopt a restrictive set of rules which did not include any loop holes, and, to fund enforcement of the adopted regulations.

Andrea Harrison of Burlington was present on behalf of Brigid Collins Social Services. She requested the Commissioners also adopt regulations regarding marijuana advertising to help safeguard children and minors.

John Boisen of Mount Vernon informed the Commissioners that the production and processing of marijuana was best suited in industrial areas since they operated 24 hours a day, 365 days a year.

Joan Schleh of Mount Vernon informed the Commissioners that the production/processing facility on Dunbar Road had been closed down by law enforcement.

Scott Serles of Mount Vernon discussed the importance of medical retail facilities and the unintended consequences of banning collective gardens.

Kathy Mitchell of Bow said that she turned in her comments over the weekend and she asked that the Commissioners adopt a comprehensive and strong ordinance and she agreed with the 1,000 foot notification requirement.

Russell Sowell of Mount Vernon spoke in support of the regulations proposed by the Planning Commission and asked the Commissioners to prohibit collective medical marijuana grows.

Barb Hendrickson of Mount Vernon commented that marijuana facilities should not be located in neighborhoods, that growing should only be allowed in opaque structures, and, that regulations be enforced and facilities held accountable.

Larry Hurlimann of Burlington thanked the county for working on a comprehensive ordinance and he requested no facilities be grandfathered.

Bev Mohr of Mount Vernon thanked her neighbors for their diligence and said that she supported the regulations proposed by the Planning Commission.

Armin Mohr of Mount Vernon thanked his neighbors for their diligence, did not agree with marijuana facilities in neighborhood settings, and, spoke in support of the regulations proposed by the Planning Commission.

Attorney Heather Wolf of Bellingham discussed two problems with the proposed ordinance: 1. the arbitrary 400 foot setback, and 2. the burdensome Special Use Permit requirements. She informed the Commissioners that her client's facility was located in the AG NRL zone and was not offensive to any neighbors.

Joel Martin of Mount Vernon shared concerns that prohibiting collective gardens would strengthen the black market.

Annie Lohman of Bow discussed the need to have clear definitions in the ordinance and that site visits would be necessary because maps could be flawed and outdated.

Carol Ehlers of Fidalgo Island was present to thank the Commissioners for the work performed on the proposed ordinance and said that it was one of the best public processes she had been involved in.

Connie Munsey of Anacortes thanked Skagit County citizens and the Planning Commission for their work on the proposed ordinance.

The Commissioners thanked the public, the Planning Commission, and Planning and Development Services on their work towards an ordinance that met everyone's needs.

Commissioner Wesen made a motion to close the public hearing at 9:44 a.m. Commissioner Janicki seconded the motion. The vote passed unanimously.

A motion was made by Commissioner Wesen to approve keeping the written comment period open until Thursday, June 18, 2015 at 4:30 p.m. and to direct staff to schedule another session with the Board to discuss how to proceed with the ordinance. Commissioner Janicki seconded the motion.

The vote passed unanimously.

Chair Dahlstedt recessed the proceedings at 9:45 a.m.

2. Miscellaneous

b) 11:30 a.m. - 11:45 a.m. Board of County Commissioners:

Chair Dahlstedt reconvened the proceedings at 11:30 a.m.

1. County and Individual Success Stories

2. Public Comment Period

Steve Reimer of the Blanchard area asked the Commissioners for assistance on completing their application for a quiet zone for the four railroad crossings in their area.

Mike Newman of Mount Vernon did not believe that the Department of Ecology should be allowed to interrupt farmers water rights. He warned the Commissioners that Skagit County could look like Okanagan County: where farms ended up selling to Washington State Fish and Wildlife, and the Department of Natural Resources.

Carol Ehlers of Fidalgo Island said that Skagit County Code 14.38 was a nightmare and she discussed the Firewise program.

Contractor Kendra Smith was present to discuss a request by Commissioner Goldmark of the Department of Natural Resources.

3. Miscellaneous Announcement

c) 11:45 a.m. - 12:00 p.m. Public Works - Dan Berentson, Director:

Chair Dahlstedt reconvened the proceedings at 11:48 a.m. and introduced Forrest Jones.

1. Public Hearing/Possible Action: To Consider Testimony Regarding Renaming Humpy Place #06230 to Dolphin Lane #06230 at the Request of the Owners/Developers

Transportation Programs Manager Forrest Jones briefed the Board on the request for the name change, said that no objections had been received and, said that it had been pre-approved by Skagit 911 and the Fire Marshal.

Chair Dahlstedt opened the public hearing at 11:51 a.m. Seeing no one present to provide testimony, Commissioner Wesen made a motion to close the public hearing. The motion was seconded by Commissioner Janicki. The vote passed unanimously.

A motion was made by Commissioner Janicki to approve renaming Humpy Place #06230 to Dolphin Lane #06230. **(Resolution No. R20150204)** Commissioner Wesen seconded the motion.

The vote passed unanimously.

2. Miscellaneous

Mr. Jones provided some information regarding Mr. Reimer's request regarding the Blanchard Quiet Zone. He said that the final delay had been Public Works needing to create a funding mechanism agreement and procedures and protocols for creating Quiet Zones. Mr. Jones expected the information to be presented to the Commissioners in the coming months.

IV. ADJOURNMENT:

Chair Dahlstedt adjourned the proceedings at 11:56 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chair

Lisa Janicki, Commissioner

Ron Wesen, Commissioner

ATTEST:

Clerk of the Board