## EXHIBIT LIST FOR ORDINANCE AMENDMENT TO BCC 11.16A.030

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<thead>
<tr>
<th>Planning Commission Application Exhibit List</th>
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<td><strong>PCR 1</strong></td>
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<td>Includes:</td>
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<tr>
<td>PCR 1.1 Draft Ordinance</td>
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<tr>
<td>PCR 1.2 Environmental Checklist</td>
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<tr>
<th>Planning Commission Staff Memo Exhibit List</th>
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<td><strong>PCM 1</strong></td>
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<th>Planning Commission Hearing Exhibit List September 15, 2015</th>
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<td><strong>PCH 1</strong></td>
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The Exhibit Numbers are found in the Top Right Hand Corner of each document.

PCR = Planning Commission Record Exhibits  
PCM = Planning Commission Memo Exhibits  
PCH = Exhibits submitted during Hearing  
CCR = County Commissioner Record Exhibits  
CCM = County Commissioner Memo Exhibits  
CCH = Exhibits submitted during Hearing
DATE: SEPTEMBER 3, 2015

MEETING DATE: SEPTEMBER 15, 2015

TO: BENTON COUNTY PLANNING COMMISSION

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: DRAFT ORDINANCE AMENDING SECTIONS 11.16A.030 (f).

BACKGROUND:
Attached to this memo is a draft ordinance (PCM 1.1) that would amend BCC Section 11.16A.030 (f) to prohibit the production (growing) of marijuana in the Rural Lands 5 Acres District.

State Initiative Measure No. 502, approved in November of 2012, which modified the State Controlled Substances Act to establish a system for lawful production, processing, and retail sales of recreational marijuana under state law. On February 25, 2014, the Board of County Commissioners adopted Resolution 2014-167 (PCM 1.4), which provided a policy for recreational marijuana in Benton County. This resolution was adopted prior to the Liquor Control Board issuing licenses for marijuana production. Most of the applications to the state for marijuana producer’s licenses in Benton County have been in the Rural Lands 5.

The Washington State Liquor Control Board adopted rules and established a licensing system for producers, processors, and retailers of recreational marijuana. The State Liquor Control Board does not consider local zoning regulations in deciding whether to issue licenses for marijuana businesses, but marijuana businesses are required to comply with local zoning requirements.

Public comments were received by the Board of County Commissioners concerning the compatibility of state licensed recreational marijuana production facilities in the Rural Lands 5 Zoning District. The comments received were, among other things, regarding the pungent aroma of a marijuana crop, the nature and use of pesticides in connection with growing marijuana, aesthetic concerns regarding lighting, possible attraction of criminal activity to areas where marijuana is grown and other security measures either required by a State license or electively installed by growers of marijuana.

On May 12, 2015, the Board of County Commissioners adopted Ordinance 561 (PCM 1.5), which provided an immediate emergency interim zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District by temporarily amending BCC 11.16A.030. After conducting the public hearing on June 2, 2105 and
receiving testimony the Board on June 16, 2015 decided continue the immediate emergency interim zoning regulations by adopting Ordinance 562 (PCM 1.6).

Ordinance 561 is attached to this memo to provide information to the Planning Commission on what findings the Board made for the immediate emergency interim zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District by temporarily amending BCC 11.16A.030.

LEGAL NOTICE PUBLISHED:
The Notice of the Public Hearing for the proposed ordinance was published in the Tri-Cities Herald on September 3, 2015. (PCM 1.3)

STATE ENVIRONMENTAL POLICY ACT:
The proposed ordinance has been reviewed under the requirements of the State Environmental Policy Act and a Determination of Non-Significance (DNS) was issued on August 7, 2015. Copies of the Environmental Checklist and the Determination of Non-Significance are attached to this memorandum (PCR 1.2 and PCM 1.2).

SUMMARY:
This action is to review and discuss the attached draft ordinances and conduct a public hearing on the proposed ordinances. The attached ordinance would make the interim zoning amendment shown in Ordinance 561 permanent.

RECOMMENDATION:
The Benton County Planning Department recommends that the planning commissions review the proposed ordinances, conduct the public hearing and make recommendations to the Board of County Commissioners.

SUGGESTED MOTION:
I move that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the Commission’s recommendation for Approval/Denial of the Draft Ordinance, amending BCC 11.16A.030(f) to prohibit the production of marijuana in the Rural Lands Five Acre District (PCR 1.1), that articulate and are consistent with the findings, conclusions and recommendation made by the Planning Commission.
AN ORDINANCE relating to zoning; zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District; amending Ordinance 488, Section 4 and BCC 11.16A.030.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON;

SECTION 1. Zoning. Ordinance 488, Section 4, and BCC 11.16A.030 are hereby amended to read as follows:

ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Rural Lands Five Acre District (RL-5) on a single parcel of record:

(a) Single Family Dwelling (SFD).

(b) Manufactured home if constructed after June 15, 1976.

(c) Manufactured home placed in a manufactured home/YAS park.

(d) Duplex.

(e) One or more accessory buildings and uses commonly appurtenant to a single family dwelling.

(f) Agricultural uses, except for commercial dairies, commercial hog ranches, commercial poultry/rabbit operations, animal feedlots, and marijuana production (as each those terms is currently defined in RCW 69.50.101(t) and (gg), respectively); provided on any tract of land having an area of less than five (5) acres, agricultural uses may not include the keeping of more than one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.

(g) One or more agricultural buildings.

(h) Agricultural stand.

(i) Adult family home.

(j) Crisis residential center.

(k) Nursery/greenhouse.

(l) Utility substation facility.

(m) Yard sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(n) Kennel, private.

(o) Fire department facility, law enforcement facility, and/or medical facility.

(p) Wineries/Breweries; provided structures used as part of the operation of the winery/brewery collectively do not exceed three thousand (3,000) square feet in size.

(q) Hiking and non-motorized biking trail.
Ordinance No. _____
Continued
Page 2

(r) Equestrian trails.

(s) Church, provided structures used as part of the operation of the church collectively shall not exceed three thousand five hundred (3,500) square feet in size.

(t) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided:

1. the wind turbine height must be less than sixty (60) feet;

2. the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine; and

3. the wind turbine tower base shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all aircraft runways which are identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO).

SECTION 2. Severability. If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 3. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this ____ day of ____________________

Chairman of the Board.

Chairman Pro-Tem.

Member.

Constituting the Board of County Commissioners of Benton County, Washington

Approved as to Form: Attest:

Deputy Prosecuting Attorney Clerk of the Board
Determination of Nonsignificance

Description of proposal: An ordinance to amend BCC 11.16A.030. Relating to adopting a zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District; amending Ordinance 488, Section 4 and BCC 11.16.030.

Proponent Benton County Planning Department
P.O. Box 910
Prosser WA 99350

File No. EA 2015-020

Location of proposal, including street address, if any: The proposed amendments are development regulations that will apply to applications for Comprehensive Plan Amendments of industrial purposes only within a City’s Urban Growth Area.

Lead agency BENTON COUNTY

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by August 24, 2015.

Responsible Official Michael Shuttleworth, Planning Manager
Benton County Planning Dept.
Post Office Box 910 PHONE: (509) 786-5612
Prosser, WA 99350-0910 (509) 736-3086

Date August 7, 2015
Signature Michael Shuttleworth

There is no agency appeal.

DISTRIBUTION:

Applicant City of Benton City
News Media (Encl. map or plot plan) City of Prosser
Benton County Building Office City of West Richland
Dept. of Natural Resources-Olympia Benton-Franklin Dist. Health Dept.
Dept. of Natural Resources -Ellensburg Kennewick Irrigation District
Benton Clean Air Authority Kiona Irrigation District
Bureau of Reclamation Benton Irrigation District
Benton County Public Works Badger Mountain Irrigation District
City of Kennewick Columbia Irrigation District
City of Richland Sunnyside Valley Irrigation District
Roza Irrigation District
Department of Transportation
Port of Benton
Port of Kennewick
Washington State Department of Health
Department of Ecology - Olympia
Department of Ecology - Yakima
Corps of Engineers
Yakama Indian Nation
Fire District 1
Fire District 2
Fire District 3
Fire District 4
Fire District 5
Fire District 6
Fire Marshal
Prosser School District No. 116
Bureau of Land Management
Department of Fish and Wildlife
Office of Arch. & Historic Preservation
Futurewise
Dept. of Commerce
ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Name of proposed project, if applicable:
   An ordinance to amend BCC 11.16A.030 to prohibit the production of marijuana in the Rural Lands Five Acre District; amending Ordinance 488, Section 4 and BCC 11.16A.030.

2. Name of applicant:
   Benton County

3. Address and phone number of applicant and contact person:
   Clark A. Posey, Assistant Planning Manager
   Benton County Planning Department
   P.O. Box 910
   Prosser, WA 99350     (509) 786-5612 or (509) 736-3086

4. Date checklist prepared:
   August 7, 2015

5. Agency requesting checklist:
   Benton County

6. Proposed timing or schedule (including phasing, if applicable):
   Public Hearing with Planning Commission scheduled for September, 2015 and Board of County Commissioners in October 2015

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
   Non project action

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
   None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
   None

10. List any government approvals or permits that will be needed for your proposal, if known.
    The approval of the ordinance amendments completed by the Board of County Commissioners.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific
The purpose of this zoning ordinance is to prohibit the production of marijuana in the Rural Lands Five Acre District.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendment is a regulation that will apply to those areas within the Rural Lands 5 Zoning Districts.

B. ENVIRONMENTAL ELEMENTS

1. Earth
   
   a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: 
      Not applicable, this is not a site-specific project.
   
   b. What is the steepest slope on the site (approximate percent slope)? 
      Not applicable, this is not a site-specific project.
   
   c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. 
      Not applicable, this is not a site-specific project.
   
   d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. 
      Not applicable, this is not a site-specific project.
   
   e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. 
      Not applicable, this is not a site-specific project.
   
   f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. 
      Not applicable, this is not a site-specific project.
   
   g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 
      Not applicable, this is not a site-specific project.
   
   h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: 
      Not applicable, this is not a site-specific project.
2. **Air**

   a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if know.  
   *Not applicable, this is not a site-specific project.*

   b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
   *Not applicable, this is not a site-specific project.*

   c. Proposed measures to reduce or control emissions or other impacts to air, if any:  
   *Not applicable, this is not a site-specific project*

3. **Water**

   a. Surface:

   1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.  
   *Not applicable, this is not a site-specific project.*

   2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.  
   *Not applicable, this is not a site-specific project.*

   3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water, or wetlands, and indicate the area of the site that would be affected. Indicate the source of ill material.  
   *Not applicable, this is not a site-specific project.*

   4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if know.  
   *Not applicable, this is not a site-specific project.*

   5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.  
   *Not applicable, this is not a site-specific project.*

   6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.  
   *Not applicable, this is not a site-specific project.*

   b. Ground:

   1) Will ground water be withdrawn, or will water be discharge to ground water? Give general description, purpose, and approximate quantities if know.
2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage, industrial, containing the following chemicals... agricultural, etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.  

Not applicable, this is not a site-specific project.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.  

Not applicable, this is not a site-specific project.

2) Could waste materials enter ground or surface waters? If so, generally describe.  

Not applicable, this is not a site-specific project.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:  

Not applicable, this is not a site-specific project.

4. Plants

a. Circle types of vegetation found on the site:  deciduous tree: alder, maple, aspen, other; evergreen tree: fir, cedar, pine, other; shrubs; grass; pasture' crop or grain; wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other; water plants: water lily, eelgrass, milfoil, other; other types of vegetation.  

Not applicable, this is not a site-specific project

b. What kind and amount of vegetation will be removed or altered?  

Not applicable, this is not a site-specific project.

c. List threatened or endangered species known to be on or near the site.  

Not applicable, this is not a site-specific project.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  

Not applicable, this is not a site-specific project.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: Birds: hawk, heron, eagle, songbirds, other; Mammals: deer, bear, elk, beaver, other; Fish: bass, salmon, trout, herring, shellfish, other:  

Not applicable, this is not a site-specific project.
b. List any threatened or endangered species known to be on or near the site.  
*Not applicable, this is not a site-specific project.*

c. Is the site part of a migration route? If so, explain.  
*Not applicable, this is not a site-specific project.*

d. Proposed measures to preserve or enhance wildlife, if any:  
*Not applicable, this is not a site-specific project.*

6. **Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  
*Not applicable, this is not a site-specific project.*

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.  
*Not applicable, this is not a site-specific project.*

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:  
*Not applicable, this is not a site-specific project.*

7. **Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, which could occur as a result of this proposal? If so, describe.  
*Not applicable, this is not a site-specific project.*

1) Describe special emergency services that might be required.  
*Not applicable, this is not a site-specific project.*

2) Proposed measures to reduce or control environmental health hazards, if any:  
*Not applicable, this is not a site-specific project.*

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?  
*Not applicable, this is not a site-specific project.*

2) What types and levels of noise would be created by or associate with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.  
*Not applicable, this is not a site-specific project.*
3) Proposed measures to reduce or control noise impacts, if any:
*Not applicable, this is not a site-specific project.*

8. **Land and Shoreline Use**

a. What is the current use of the site and adjacent properties?
*Not applicable, this is not a site-specific project.*

b. Has the site been used for agriculture? If so, describe.
*Not applicable, this is not a site-specific project.*

c. Describe any structures on the site.
*Not applicable, this is not a site-specific project.*

d. Will any structures be demolished? If so, what?
*Not applicable, this is not a site-specific project.*

e. What is the current zoning classification of the site?
*This interim ordinance will apply to those areas zoned Rural Land 5.*

f. What is the current comprehensive plan designation for the site?
*This interim ordinance will apply to those areas designated Rural Land 5.*

g. If applicable, what is the current shoreline master program designation of the site?
*Not applicable, this is not a site-specific project.*

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
*Not applicable, this is not a site-specific project.*

i. Approximately how many people would reside or work in the completed project?
*Not applicable, this is not a site-specific project.*

j. Approximately how many people would the completed project displace?
*Not applicable, this is not a site-specific project.*

k. Proposed measures to avoid or reduce displacement impacts, if any:
*Not applicable, this is not a site-specific project.*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
*The regulations is consistent with the Benton County Comprehensive Plan policies and guidelines.*

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
*None*
b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

*None*

c. Proposed measures to reduce or control housing impacts, if any:

*Not applicable, this is not a site-specific project.*

10. **Aesthetics**

a. What is the tallest height of any proposed structures(s) not including antennas; what is the principal exterior building material(s) proposed?

*Not applicable, this is not a site-specific project.*

b. What views in the immediate vicinity would be altered or obstructed?

*Not applicable, this is not a site-specific project.*

c. Proposed measures to reduce or control aesthetic impacts, if any:

*Not applicable, this is not a site-specific project.*

11. **Lights and Glare**

a. What type of light or glare will be the proposal produce? What time of day would it mainly occur?

*Not applicable, this is not a site-specific project.*

b. Could light or glare from the finished project be a safety hazard or interfere with views?

*Not applicable, this is not a site-specific project.*

c. What existing off-site sources of light or glare may affect your proposal?

*Not applicable, this is not a site-specific project.*

d. Proposed measures to reduce or control light and glare impacts, if any:

*Not applicable, this is not a site-specific project.*

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

*Not applicable, this is not a site-specific project.*

b. Would the proposed project displace any existing recreational uses? If so, describe.

*Not applicable, this is not a site-specific project.*

c. Proposed measures to reduce or control impacts or recreation, including recreation opportunities to be provided by the project or applicant, if any:

*Not applicable, this is not a site-specific project.*

13. **Historic and Cultural Preservation**
a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
Not applicable, this is not a site-specific project.

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.  
Not applicable, this is not a site-specific project.

c. Proposed measures to reduce or control impacts, if any:  
Not applicable, this is not a site-specific project.

14. **Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plan, if any.  
Not applicable, this is not a site-specific project.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?  
Not applicable, this is not a site-specific project.

c. How many parking spaces would the completed project have? How many would the project eliminate?  
Not applicable, this is not a site-specific project.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).  
Not applicable, this is not a site-specific project.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.  
Not applicable, this is not a site-specific project.

f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.  
Not applicable, this is not a site-specific project.

g. Proposed measures to reduce or control transportation impacts, if any:  
Not applicable, this is not a site-specific project.

15. **Public Services**

a. Would the project result in an increased need for public services (for example, fire protection, police protection, health care, schools, etc.)? If so, generally describe.  
Not applicable, this is not a site-specific project.

b. Proposed measures to reduce or control direct impacts on public services, if any.  
Not applicable, this is not a site-specific project.
16. **Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.  
   *Not applicable, this is not a site-specific project.*

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.  
   *Not applicable, this is not a site-specific project.*
C. **SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

/s/ Clark A. Posey, Assistant Planning Manager
Benton County Planning Department

Date Submitted: August 7, 2015
D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS  
(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?  
Not applicable, this is not a site-specific project.

Proposed measures to avoid or reduce such increases are:  
None.

2. How would the proposal be likely to affect plants, animals, fish or marine life?  
Not applicable, this is not a site-specific project.

Proposed measures to protect or conserve plants, animals, fish or marine life are:  
None.

3. How would the proposal be likely to deplete energy or natural resources?  
Not applicable, this is not a site-specific project.

Proposed measures to protect or conserve energy and natural resources are:  
None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands?  
Not applicable, this is not a site-specific project.

Proposed measures to protect such resources or to avoid or reduce impacts are:  
None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?  
Not applicable, this is not a site-specific project.

Proposed measures to avoid or reduce shoreline and land use impacts are:  
Not applicable, this is not a site-specific project.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?  
Not applicable, this is not a site-specific project.
Proposed measures to reduce or respond to such demands(s) are: 
*Not applicable, this is not a site-specific project.*

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

*None.*
The Listed Salmonids Checklist is provided in order that the county may initially identify a project’s potential impacts (if any) on salmonids that have been listed as “threatened” or “endangered” under the Federal Endangered Species Act (ESA). A salmonid is any fish species that spends part of its life cycle in the ocean and returns to fresh water. Potential project impacts that may result in a “taking” of listed salmonids must be avoided, or mitigated to insignificant levels. Generally, under ESA, a “taking” is broadly defined as any action that causes the death of, or harm to, the listed species. Such actions include those that affect the environmental in ways that interfere with or reduce the level of reproduction of the species.

If ESA listed species are present or ever were present in the watershed where your project will be located, your project has the potential for affecting them, and you need to comply with the ESA. The questions in this section will help determine if the ESA listing will impact your project. The Fish Program Manager at the appropriate Department of Fish and Wildlife (DFW) regional office can provide information for the following two questions. Please contact the Dept. of Fish and Wildlife at 1701 S. 24th, Yakima WA 98902-5720, Phone No. 509-575-2740.

1. Are ESA listed salmonids currently present in the watershed in which your project will be? YES____ NO____
   Please Describe.  
   Not applicable, this is not a site-specific project.

2. Has there ever been an ESA listed salmonid stock present in this watershed? YES____ NO____
   Please Describe.  
   Not applicable, this is not a site-specific project.

If you answered “yes” to either of the above questions, you should complete the remainder of this checklist.

PROJECT SPECIFIC: The questions in this section are specific to the project and vicinity.

A1. Name of watershed ____________________________

A2. Name of nearest waterbody ____________________________

A3. What is the distance from this project to the nearest body of water? _________
   ______________________________________________________________________
   Often a buffer between the project and a stream can reduce the chance of a negative impact to fish.

A4. What is the current land use between the project and the potentially affected water body (parking lots, farmland, etc.)
A5. Is the project above a:
- Natural permanent barrier (waterfall)  YES_____ NO_____
- Natural temporary barrier (beaver pond)  YES_____ NO_____
- Man-made barrier (culvert, dam)  YES_____ NO_____
- Other (explain)  

A6. If yes, are there any resident salmonid populations above the blockage?  YES____ NO____  Don’t Know _____

A7. What percentage of the project will be impervious surface (including pavement & roof area)?

FISH MIGRATION: The following questions will help determine if this project could interfere with migration of adult and juvenile fish. Both increases and decreases in water flows can affect fish migration.

B1. Does the project require the withdrawal of
   a. Surface water?  Yes_____ No_____
      Amount_____________________
      Name of surface water body__________________

   b. Ground water?  Yes_____ No_____
      Amount_____________________
      From Where__________________
      Depth of well __________________

B2. Will any water be rerouted? YES_____ NO_____
    If yes, will this require a channel change?

B3. Will there be retention ponds? YES_____ NO_____  
    If yes, will this be an infiltration pond or a surface discharge to either a municipal storm water system or a surface water body?
    If to a surface water discharge, please give the name of the waterbody.

B4. Will this project require the building of new roads?  Increased road mileage may affect the timing of water reaching a stream and may, thus, impact fish habitat.

B5. Are culverts proposed as part of this project?  
    Yes______  No______
B6. Will topography changes affect the duration/direction of runoff flows?  
   Yes_____ No_____  
   If yes describe the changes.

B7. Will the project involve any reduction of the floodway or floodplain by filling or other partial blockage of flows? Yes_____ No_____  
   If yes, how will the loss of flood storage be mitigated by your project?

**WATER QUALITY:** The following questions will help determine if this project could adversely impact water quality. Such impacts can cause problems for listed species. Water quality can be made worse by runoff from impervious surfaces, altering water temperature, discharging contaminants, etc.

C1. Do you know of any problems with water quality in any of the streams within this watershed? YES_____ NO_____  
   If yes please describe.

C2. Will your project either reduce or increase shade along or over a waterbody? YES_____ NO_____  
   Removal of shading vegetation or the building of structures such as docks or floats often result in a change in shade.

C3. Will the project increase nutrient loading or have the potential to increase nutrient loading or contaminants (fertilizers, other waste discharges, or runoff) to the waterbody? YES_____ NO_____  

C4. Will turbidity be increased because of construction of the project or during operation of the project? In-water or near water work will often increase turbidity. YES_____ NO_____
C5. Will your project require long term maintenance, i.e., bridge cleaning, highway salting, chemical sprays for vegetation management, clearing of parking lots?
YES____ NO____
Please Describe.

Vegetation: The following questions are designed to determine if the project will affect riparian vegetation, thereby, adversely impacting salmon.

D1. Will the project involve the removal of any vegetation from the stream banks?
YES____ NO____
If yes, please describe the existing conditions and the amount and type of vegetation to be removed.

D2. If any vegetation is removed, do you plan to re-plant? YES____ NO____
If yes, what types of plants will you use?
NOTICE OF OPEN RECORD HEARING

NOTICE IS GIVEN that the following ordinance amendment will be considered by the Benton County Planning Commission at a public hearing on Tuesday, September 15, 2015, at 7 p.m., Public Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, an ORDINANCE AMENDMENT to BCC CHAPTER 11.16A a zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District; amending Ordinance 488, Section 4 and BCC 11.16A.030 by adding wording to allowable uses excepting out marijuana production as an allowable agricultural use.

NOTICE IS FURTHER GIVEN that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a Determination of Non-Significance was issued on August 7, 2015. Comments regarding the determination and the environmental impacts of the proposal can be made to the planning department by 3 p.m. on September 15, 2015.

FURTHER INFORMATION REGARDING THE AMENDMENT and copies of the proposed ordinance are available at no cost to the public from the Benton County Planning Department at the following address: 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

It is Benton County's policy that no qualified individual with a disability shall by reason of such disability be excluded from participation in public meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact the ADA Coordinator or the Benton County Planning Department at the above stated phone numbers and/or address no later than 48 hours prior to the date of the meeting. The Request for Reasonable Accommodation form is available online at www.co.benton.wa.us or from the Planning Department.

Dated at Prosser, Washington on this 28th day of August 2015.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION

/s/ MICHAEL SHUTTLEWORTH, Planning Manager

PUBLISH ON: September 3, 2015
RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY PLANNING AND LAND USE GUIDANCE REGARDING IMPLEMENTATION OF INITIATIVE 502

WHEREAS, the voters of Washington State passed initiative 502 in 2012, which allowed for the growing, processing and retail sales of recreational marijuana within the State Of Washington; and,

WHEREAS, the initiative directed the Washington State Liquor Control Board to develop and adopt a regulatory and licensing system for these activities; and,

WHEREAS, the Washington State Liquor Control Board adopted regulatory and licensing system rules on October 31, 2013 that were effective on December 6, 2013; and,

WHEREAS, the United States Department of Justice has provided guidance regarding the implementation of initiative 502; and,

WHEREAS, the Benton County Board of Commissioners on February 11, 2014, amended the Rural Lands Zoning District by removing agricultural related industries and agricultural markets as uses that may be allowed as conditional uses. Resolution 2013-960 must be modified to include the change made to the Rural Lands 5 zoning district.

WHEREAS, the Benton County Board of Commissioners does not want to expose the County and County personnel to legal and liability issues associated with federal law while still being responsive to state law, NOW THEREFORE,

BE IT RESOLVED, with respect to land use and building construction matters only, the Board of County Commissioners hereby rescinds Resolution 2013-960 and adopts the following policy, which is consistent with existing County ordinances:

1. Subject to any limitations imposed by Washington State law, marijuana, like other crops, may be grown in the County’s GMA Agricultural, Rural Lands 5, Rural Lands 20, Light Industrial and Heavy Industrial zoning districts.

2. Subject to any limitations imposed by Washington State law, marijuana may be processed in the County’s Heavy Industrial and Unclassified zoning districts. Subject to any limitations imposed by Washington State law, marijuana may be processed in the County’s GMA Agricultural zoning district only if the nature of the processing falls within the definition of an “agricultural related industry” as defined in Chapter 11.04 BCC.

3. Subject to any limitations imposed by Washington State law, retail sales of marijuana products authorized by Initiative 502 may be conducted in the County’s General Commercial, Community Commercial and Interchange Commercial zoning districts.

4. Initiative 502 and the Washington State Liquor Control Board’s rules identify distance separation standards between marijuana-related activities and certain
other land uses. These separation standards are administered by the Liquor Control Board. The County will not speculate whether a proposed site meets the distance separation criteria.

5. County personnel will not confirm if a particular site is zoned or otherwise acceptable for marijuana-related activity. Personnel can, in general terms, confirm whether property can be used for agricultural production, agricultural processing and/or retail sales.

6. Persons growing, processing and selling marijuana products may be required to obtain building permits if they construct a new structure or remodel existing structures associated with their operation. These will be processed and reviewed just as any other agricultural, industrial or commercial building. The Benton County Planning Department will not maintain copies of any marijuana-related license from the State of Washington.

7. The Washington State Liquor Control Board’s rules allow outdoor production (growing of marijuana) if an area is enclosed with a site obscuring wall or fence at least a certain height. Walls and fences six (6) feet tall or higher require County building permits prior to construction.

Dated this 25th day of February 2014.

[Signatures]

Chairman of the Board

Member

Member

Constituting the Board of County Commissioners of Benton County Washington.

Attest..............................

Clerk of the Board
AN ORDINANCE relating to zoning; adopting an immediate emergency interim zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District; setting a date for a public hearing; establishing a termination date for the interim zoning amendment; declaring an emergency necessitating immediate adoption of this ordinance; and temporarily amending Ordinance 488, Section 4 and BCC 11.16A.030.

WHEREAS, Initiative Measure No. 502, approved in November of 2012, modified the State Controlled Substances Act to establish a system for lawful production, processing, and retail sales of recreational marijuana under state law; and,

WHEREAS, the Washington State Liquor Control Board adopted rules thereunder and established a licensing system for producers, processors, and retailers of recreational marijuana (collectively “marijuana businesses”); and,

WHEREAS, the County understands that marijuana production, i.e., growing, is allowed both indoors and outdoors by the State; and,

WHEREAS, the State Liquor Control Board does not consider local zoning regulations in deciding whether to issue licenses for marijuana businesses, but marijuana businesses are required to comply with local zoning requirements; and,

WHEREAS, on February 11, 2014, and prior to the State Liquor Control Board issuing any permits for marijuana businesses, the Benton County (“County”) Board of Commissioners adopted Ordinance 534 to disallow Agricultural Related Industry uses, which includes marijuana processing and sales, as conditional uses in the Rural Lands Five Acre (“RL5”) District; and,

WHEREAS, during that process the County was not informed of any concerns about negative effects of allowing marijuana production, i.e. growing, in the RL5 District; and,

WHEREAS, the County also adopted Resolution 2014-167, which summarized where marijuana production, processing and sales were allowed under the County’s then existing zoning districts; and,

WHEREAS, the County recently has received a great number of comments expressing concerns related to marijuana production in the proximity of the many residential areas within the RL5 District; and,
WHEREAS, in particular some of the concerns raised relate to the pungent aroma of a marijuana crop, the nature and use of pesticides in connection with growing marijuana, the possible attraction of criminal activity to areas where marijuana is grown, and aesthetic concerns regarding lighting and other security measures either required by a State license or electively installed by growers of marijuana; and

WHEREAS, based on the above it appears that marijuana production may not be compatible with the allowed uses in the RL5 District and may result in an increased risk to health and safety of residents of those areas as well as increased code enforcement and law enforcement activities; and,

WHEREAS, Article XI, Section 11 of the Washington Constitution provides that any county may "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws"; and,

WHEREAS, Benton County has the expressed statutory authority, pursuant to RCW 36.70.795 and 36.70A.390, to adopt moratoria, interim zoning ordinances, interim zoning maps, and/or interim official controls without holding a public hearing prior to adoption; and,

WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted under RCW 36.70.795 and RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new regulations will not be rendered ineffective or moot by intervening development while permanent regulations are considered and adopted; and,

WHEREAS, RCW 36.70.795 and RCW 36.70A.390 provide that a moratorium, interim zoning ordinance and interim official control may be effective for up to six months so long as a public hearing on the moratorium or interim zoning ordinance is held within sixty days after adoption; and,

WHEREAS, the County has decided that it is appropriate to prevent additional marijuana growing operations in the RL5 District that allegedly are incompatible with surrounding uses during the period of time necessary for the County to consider permanent zoning amendments; and,

WHEREAS, to accomplish that objective and prevent new growing operations from vesting or commencing in areas where they are incompatible with surrounding uses while the County completes its investigation, the County desires to adopt an immediate interim zoning ordinance in the form of an amendment to BCC 11.16A.030 to disallow the growing of marijuana, i.e. marijuana production, in the RL5 District; and,
WHEREAS, such interim regulation is consistent with the County’s Comprehensive Plan; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

SECTION 1. Findings. The Benton County Board of Commissioners makes the following findings and conclusions:

(a) The Board adopts and incorporates the foregoing recitals as findings as if fully set forth herein.

(b) A number of marijuana growing operations have been established since Initiative 502 was passed, and the increased level of such operations has generated significant citizen concerns about the impact that such operations can have in a residential neighborhood and on uses in general allowed in the RL5 District. Additional growing operations in residential neighborhoods in the RL5 District would exacerbate any valid concerns about the incompatibility of the use.

(c) This interim zoning ordinance to amend BCC 11.16A.030 will prohibit new marijuana production operations, i.e. growing operations, from commencing in the RL5 District while regulations to promote compatibility are considered.

(d) It is in the best interest of Benton County to prohibit new marijuana production operations in the RL5 zone at this time, pending further consideration and public engagement on potential long-term regulatory changes.

(e) The proposed interim official control will promote the public health, safety, morals and general welfare, and it is consistent with the goals and policies of the County’s Comprehensive Plan.

(f) This Ordinance satisfies the procedural and substantive requirements of and is consistent with the Growth Management Act.

(g) Pursuant to WAC 197-11-880 and BCC 6.35.050, the adoption of this Ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act.

(h) The intent of this Ordinance is to temporarily prevent potential new marijuana production operations and has no effect on marijuana growing operations already located within the RL5 District at the time this Ordinance is adopted.
SECTION 2. Purpose. The purpose of this interim zoning ordinance is to allow the County to continue to analyze the issue of the compatibility of marijuana production with the prevalent uses within the RL5 District, including but not limited to residential uses, without the possibility that additional marijuana production operations will commence or that operators will flood the County with applications for permits for marijuana production buildings allowed under the County's existing zoning. The County will be examining whether marijuana production should be permitted outright, allowed as a conditional use or prohibited in the RL5 District, and additional time is needed to fully explore the issue.

SECTION 3. Interim Zoning. Ordinance 488, Section 4, and RCC 11.16A.030 are hereby amended to read as follows:

ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Rural Lands Five Acre District (RL-5) on a single parcel of record:

(a) Single Family Dwelling (SFD).

(b) Manufactured home if constructed after June 15, 1976.

(c) Manufactured home placed in a manufactured home/FAS park.

(d) Duplex.

(e) One or more accessory buildings and uses commonly appurtenant to a single family dwelling.

(f) Agricultural uses, except for commercial dairies, commercial hog ranches, commercial poultry/rabbit operations, (and) animal feedlots, and marijuana production (as each those terms is currently defined in RCW 69.50.101(t) and (gg), respectively), provided on any tract of land having an area of less than five (5) acres, agricultural uses may not include the keeping of more than one animal unit per equivalent per one-half acre of ground, exclusive of suckling animals.

(g) One or more agricultural buildings.

(h) Agricultural stand.

(i) Adult family home.

(j) Crisis residential center.

(k) Nursery/greenhouse.

(l) Utility substation facility.

(m) Yard sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(n) Kennel, private.

(o) Fire department facility, law enforcement facility, and/or medical facility.
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Continued
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(p) Wineries/Breweries; provided structures used as part of the operation of the winery/brewery collectively do not exceed three thousand (3,000) square feet in size.

(q) Hiking and non-motorized biking trail.

(r) Equestrian trails.

(s) Church, provided structures used as part of the operation of the church collectively shall not exceed three thousand five hundred (3,500) square feet in size.

(t) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided:

(1) the wind turbine height must be less than sixty (60) feet;

(2) the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine; and

(3) the wind turbine tower base shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all aircraft runways which are identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO).

SECTION 4. Expiration of Interim Zoning. The interim zoning amendment set forth in Section 3 of this Ordinance shall commence upon adoption and automatically expire and be deemed to have been repealed six months from the date of adoption unless repealed, renewed or otherwise extended prior to such date in accordance with RCW 36.70A.390 and RCW 36.70.795.

SECTION 5. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 36.70.795, the Board of County Commissioners will hold a public hearing on this Ordinance on June 2, 2014, at 9:00 a.m. at the Benton County Courthouse, Commissioner Hearing Room, Third Floor, 620 Market St., Prosser, Washington for the purpose of hearing public testimony regarding this Ordinance. Promptly following such hearing, the Board shall adopt additional findings of fact on this issue and either justify its continued imposition of the interim zoning amendment or repeal this Ordinance.

SECTION 6. Renewal. In accordance with RCW 36.70A.390 and RCW 36.70.795, this Ordinance may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.
SECTION 7. Declaration of Emergency. The Board of County Commissioners hereby finds, concludes and declares that an emergency exists necessitating that this Ordinance takes effect immediately upon passage by the Board of County Commissioners in order to preserve the public peace, health and safety. Non-emergent options would not be adequate to prevent new marijuana production operations from commencing in neighborhoods where they may be detrimental to the public peace, health and safety. Without this immediate interim zoning amendment to RCC 11.16A.030, marijuana production operations could commence and/or building applications for structures in which marijuana production would operate could vest, leading to development that could be incompatible with the code provisions eventually adopted by the County. Therefore, the interim zoning must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the possibility that operators will commence production operations or flood the County with applications for permits for production buildings under the County's existing zoning.

SECTION 8. Work Plan. During the effectiveness of this Ordinance, the County will collect information and receive testimony regarding the compatibility of marijuana production with other allowed uses within the RLS District.

SECTION 9. Severability. If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 10. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this 12 day of May, 2015.

[Signatures]

Chairman of the Board.

Chairman Pro-Tem.

Member.

Constituting the Board of County Commissioners of Benton County, Washington

Attest: Clerk of the Board

Approved as to Form:

Deputy Prosecuting Attorney
RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING; AN ORDI NANCE RELATING TO ZONING; ADOPTING
FINDINGS AND CONCLUSIONS TO SUPPORT THE PREVIOUSLY ADOPTED EMERGENCY INTERIM
ZONING AMENDMENT TO PROHIBIT THE PRODUCTION OF MARIJUANA IN THE RURAL LANDS
FIVE ACRE (RL5) DISTRICT.

WHEREAS, on May 12, 2015, the Benton County Board of County Commissioners adopted
Ordinance 561, which provides that a public hearing will be held on the emergency interim
zoning amendment ordinance; and,

WHEREAS, pursuant to RCW 36.70A.390 and RCW 36.70.795, the Board of County
Commissioners held a public hearing on Ordinance 561 on June 2, 2015, at 9:00 a.m. at the
Benton County Courthouse, Commissioner Hearing Room, Third Floor, 620 Market St., Prosser,
Washington for the purpose of hearing public testimony regarding on Ordinance 561; and,

WHEREAS, after considering all testimony presented at the June 2, 2015 public hearing, the
Board voted to continue the immediate emergency interim zoning regulations to prohibit the
production of marijuana in the Rural Lands Five District, continued the public hearing until June
16, 2015; and directed Planning Staff to work with Commissioners Delvin to prepare an
ordinance that incorporates the Board’s findings of fact; and,

WHEREAS, Planning Staff has worked with Commissioners Delvin to prepare an ordinance that
incorporates the Board’s findings of fact; and,

WHEREAS, the Board of County Commissioners is satisfied that it appears to be in the best
interest of the public to adopt said ordinance NOW THEREFORE,

BE IT RESOLVED, that Ordinance No. 562, an ordinance relating to zoning and
continuation of the immediate emergency interim zoning regulations to prohibit the production of
marijuana in the Rural Lands Five District be adopted and shall take effect upon the date of
approval and signature.

Dated this 16th day of June 2015.

[Signatures]
Chairman of the Board
Member
Member
Constituting the Board of County
Commissioners of Benton County
Washington.

Attest: Clerk of the Board
AN ORDINANCE relating to zoning; adopting findings and conclusions to support the previously adopted emergency interim zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre ("RL 5") District and confirming the maintenance of the emergency interim zoning amendment.

WHEREAS, Benton County has the expressed statutory authority, pursuant to RCW 36.70.795 and 36.70A.390, to adopt an interim zoning ordinance effective for a six month period without holding a public hearing prior to the adoption thereof, provided, the County Commissioners must hold a public hearing on the interim zoning ordinance within sixty (60) days after its adoption; and,

WHEREAS, on May 12, 2015, the Benton County Board of Commissioners passed Ordinance 561 imposing an interim zoning amendment to prohibit the production of marijuana in the Rural Lands Five Acre District; and,

WHEREAS, the Benton County Board of Commissioners held a public hearing on interim zoning ordinance on June 2, 2015, which was continued until June 16, 2015; and,

WHEREAS, legal notice of such hearing was published in the Tri-City Herald on May 20, 2015; and,

WHEREAS, based on the information received in connection with that public hearing, the Board of Commissioners intends to refer proposed permanent legislation to its Planning Department and Planning Commission in order to consider an amendment to address the potential incompatibility of marijuana production in the RL 5 District; and,

WHEREAS, the Benton County Board of Commissioners wishes to reduce the risk of additional marijuana production operations commencing in that zone that are incompatible with surrounding uses during the period of time necessary for consideration of the proposed permanent zoning amendment; and,

WHEREAS, the Benton County Board of Commissioners desires to enter additional findings and conclusions in support of the continuation of the interim zoning amendment reflected in Ordinance 561 for the six month period reflected in Section 4 of Ordinance 561.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON;

SECTION 1. Purpose. The purpose of this Ordinance is to acknowledge the continued effectiveness of Ordinance 561 to
allow the County fully to analyze the issue of the compatibility of marijuana production with the prevalent uses within the RL 5 District, including but not limited to residential uses, while minimizing the additional marijuana production operations that may commence and preventing a potential flood of applications for permits for marijuana production buildings while a permanent zoning amendment is being considered. The County will be examining whether marijuana production should be permitted outright, allowed as a conditional use or prohibited in the RL 5 District, and additional time is needed to fully explore the issue.

SECTION 2. Findings. The Benton County Board of Commissioners makes the following findings and conclusions in support of the continued maintenance of Ordinance 561:

(a) The Benton County Board of Commissioners readopts the following findings from Ordinance 561:

1. A number of marijuana growing operations have been established since Initiative 502 was passed, and the increased level of such operations has generated significant citizen concerns about the impact that such operations can have in a residential neighborhood and on other uses in general allowed in the RL 5 District. Additional growing operations in residential neighborhoods in the RL 5 District would exacerbate any valid concerns about the incompatibility of the use.

2. Ordinance 561 will prohibit new marijuana production operations, i.e. growing operations, from commencing in the RL 5 District while regulations to promote compatibility are considered.

3. It is in the best interest of Benton County to prohibit new marijuana production operations in the RL 5 zone at this time, pending further consideration and public engagement on potential long-term regulatory changes.

4. The Ordinance 561 will promote the public health, safety, morals and general welfare, and it is consistent with the goals and policies of the County’s Comprehensive Plan.

5. The intent of Ordinance 561 is to temporarily prevent potential new marijuana production operations and has no effect on marijuana growing operations already located within the RL 5 District at the time it was adopted.

(b) The Benton County Board of Commissioners adopts the following additional findings in support of Ordinance 561 based on the information received in connection with its public hearing:
1. Ordinance 561 was adopted by the Benton County Board of Commissioners on May 12, 2015, to be effective immediately and a public hearing was scheduled for June 2, 2015.

2. On June 2, 2015 and June 16, 2015, the Board held a public hearing on the interim zoning amendment imposed on May 12, 2015.

3. On May 20, 2015, the legal notice of the June 2, 2015 public hearing was published in the Tri-City Herald.

4. Ordinance 561 was reviewed under the State Environmental Policy Act, and a Determination of Non-Significance was issued on May 21, 2015.

5. Mike Shuttleworth, Planning Manager, submitted a staff report for the hearing that contained a chronology of events and background for the Commissioner consideration.

6. During the public hearing on June 2, 2015, Exhibit BCCM 1.1 through BCCM 1.6, and Exhibit BCCH through BCCH 1.44 were entered into the record. Those who spoke at the public hearing are listed in Exhibit BCCH 1.45. These exhibits are kept in the Benton County Planning Department file for this ordinance.

7. The Board finds that those who spoke and submitted written comments in favor of maintaining Ordinance 561 stated valid concerns regarding the pungent aroma of a marijuana crop, the nature and use of pesticides in connection with growing marijuana, the increased traffic generated by a marijuana production business, the attraction of criminal activity to areas where marijuana is grown, and aesthetic concerns regarding lighting, fencing and/or other security measures either required by a State license or electively installed by growers of marijuana.

8. After reviewing the written information presented and considering the oral testimony, the Board finds that Ordinance 561 promotes the public health, safety, morals and general welfare, and that it is consistent with the goals and policies of the County’s Comprehensive Plan.

9. The Board finds that the State Environmental Policy Act (SEPA) requirements with respect to this non-project action were satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on May 21, 2015.

10. The Board finds that the Washington State Liquor Control Board continues to process permits for production operations in the RL 5 District. The Board finds that to prevent new growing operations from vesting or commencing in areas where they may be incompatible with surrounding
uses while the County completes its investigation and
considers a permanent amendment to the RL 5 District, the
County should maintain the interim amendment to BCC
11.16A.030 to disallow the growing of marijuana, i.e.
marijuana production, in the RL 5 District.

11. The Board of County Commissioners hereby finds and
concludes that an emergency still exists and that Ordinance
561 should continue in effect to preserve the public peace,
health and safety. Non-emergent options would not be
adequate to prevent new marijuana production operations
from commencing in neighborhoods where they may be
detrimental to the public peace, health and safety.
Without the interim amendment to BCC 11.16A.030, marijuana
production operations could commence and/or additional
building applications for structures in which marijuana
production would operate could vest, leading to development
that could be incompatible with the permanent code
provisions eventually adopted by the County. Therefore,
the interim amendment must continue as an emergency measure
to protect the public health, safety and welfare, to
prevent additional production operations from commencing
and to prevent a possible flood of building applications
for permits for production related buildings.

SECTION 3. Ordinance 561 Maintained. The emergency
interim zoning amendment, Ordinance 561, to prohibit the
production of marijuana in the RL 5 District shall be maintained
for the period set forth therein. The Benton County Board of
Commissioners hereby directs the Planning Department to schedule
consideration of a permanent amendment, including review by the
State of Washington and a hearing before the Planning
Commission, prior to the expiration of Ordinance 561. The Benton
County Board of Commissioners shall make any decision to
terminate Ordinance 561 by further ordinance. Ordinance 561
shall not preclude the issuance of any permits with respect to
any applications that are deemed to have vested prior to its
adoption in accordance with the laws of Washington State.

SECTION 4. Severability. If any provision of this
Ordinance is declared unconstitutional, or the applicability
thereof to any person or circumstance is held invalid, the
constitutionality of the remainder of the Ordinance and the
applicability thereof to other persons and circumstances shall
not be affected thereby.
SECTION 5. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this 16th day of June, 2015.

[Signatures]

Chairman of the Board.

[Signature]

Chairman Pro-Tem.

[Signature]

Member.

[Signature]

Approved as to Form:

[Signature]

Deputy Prosecuting Attorney

Constituting the Board of County Commissioners of Benton County, Washington

Attest: [Signature]

Clerk of the Board
August 17, 2015

Michael Shuttleworth, Planning Manager
Benton County Planning Dept.
P.O. Box 910
Prosser, WA 99350-0910

Re: File No: EA 2015-020 – Benton Ordinance Amendment
     Parcels: Within the Urban Growth Areas of Cities in Benton County
     Landowners: Various

Dear Mr. Shuttleworth:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID does have facilities within the urban growth areas of cities in Benton County located within the SVID boundary. The proposed ordinance amendment will not affect these facilities.

Thank you for the opportunity to comment. If you have any questions please feel free to contact Diane Weber at (509) 837-6980 or weberd@svid.org.

Sincerely,

[Signature]
Ron C. Cowin, P.E.
Assistant Manager – Engineering

RECEIVED

AUG 19 2015
Benton County Planning Department
Hear hear! I wholeheartedly endorse this proposed amendment. And I want to express my sincere appreciation to those who have worked to establish it. Thank you!

Kevin Mote

On Wed, Sep 2, 2015 at 8:30 AM, Planning Department <Planning.Department@co.benton.wa.us> wrote:

Please see the attached legal notice. You are receiving this notice as an interested party to the matter involved. If you do not wish to receive further notices please send an email regarding such to planning.department@co.benton.wa.us.

---

Benton County Planning Department

P.O. Box 910

Prosser WA 99350

509-786-5612

509-736-3086

--

Kevin Mote
Thank you for the notice -- in the event I am unable to attend the hearing, please know that I fully support this effort and would appreciate further notices and updates.

Greg Gibbons
Kennewick
Dear Shon Small,

As a citizen of Benton County and one of your voters, I am writing in regard to the potential pot farms that may be allowed in Benton County—especially the ones that would be near neighborhoods or schools. I attended one of the meetings about it, but because I have young kids and wasn’t able to stay very long, or able to attend all of the meetings, I wanted to write you a letter to voice my concerns.

I am very much against pot farms being allowed in Benton County—most especially near neighborhoods and schools. These are the reasons why:

1. They draw crime. The facilities would not have surveillance cameras and high barbed wire fences if they didn’t. Please don’t make decisions that would potentially put our families at risk. (Someone at the meeting tried comparing them to wineries. People don’t try to break into vineyards and steal grapes.)
2. They are an eyesore. They will bring down property values, and in turn, I would expect my property tax to go down. Plus, for me personally, and many of my friends and neighbors, this county would become a much less desirable place to live.
3. The majority of our county voted AGAINST legalizing marijuana. This should indicate that the majority of our county doesn’t want it GROWN here. Let them grow it in the counties that voted to legalize marijuana.
4. It can ruin the environment. (For information see http://www.thenation.com/article/176955/pot-growing-bad-environment)
5. The taxes that the marijuana farmers “claim” would benefit us would not be worth the risks and negatives involved, in my opinion.
6. Before this public outcry against the marijuana farms, no one I knew was aware that the pot farms were even going up. Our community definitely would have spoken up a lot sooner.

I appreciate the halting of the building of the pot farm near the future Desert Hills Middle school. I believe there is no place for marijuana farms near schools or neighborhoods. If pot farms must be built, I ask you to do everything in your power to keep them away from communities and schools!!

Sincerely,

Alesha Thomas

RECEIVED

JUN 29 2015

Benton County
Planning Department

Thomas
71422 E Sundown Pr SE
Kennewick, WA 99338
To whom it may concern:

I live in Benton county and have lived here for almost forty years. I graduated from Richland High School and CBC. Own a business here. Raised my family here. It's a nice community and a good place to live. I like the conservative values that many people share here.

I'm upset with the I-502 passage and it's impact on our state. I applaud those counties that stood firm on how their counties constituents voted. They stood their ground despite the states threats and pressure. I was very surprised and disappointed when I learned that our county gave in so easily.

My home is located on Clodfelter Rd in Kennewick, there are 2 facilities within 3/4 of a mile of my home one less than a 1000'. This type of operation has NO place in this Residential type neighborhood. Though it is zoned R5, many of the lots are less than 5 acres. These pot facilities lower our property values and are a danger to our children.

Though it will not be easy we need to take a stand. Our county already is one of highest producers of methamphetamine in the state, do we really want to be known for our pot growth as well.

Thank you for your efforts.

Paul and Jann Hamson

110807 E Fairbanks PRSE Kennewick, Wa
Begin forwarded message:

From: Joshua Week <joshweek@gmail.com>
Date: June 2, 2015 at 9:58:43 AM PDT
To: <jim.beaver@co.benton.wa.us>, <david.sparks@co.benton.wa.us>,
<Jerome.delvin@co.benton.wa.us>, <Shon.small@benton.wa.us>
Subject: Ban I-502 Commercial Marijuana Businesses from growing in Benton County

As a homeowner in Benton County I would ask that you ban all I-502 commercial marijuana businesses from growing in Benton County. Voters in Benton County rejected the marijuana initiative voted on earlier, but these businesses are still able to operate relatively close to schools, places of worship, and family residences. Not only is this a safety concern for children and adults living near these commercial marijuana businesses, but it hurts homeowners due to falling property values, and also the county because it will receive less in property taxes from these homes. Please say "NO" to these I-502 commercial marijuana businesses from operating in Benton County!!!!!!

Respectfully,
Josh Week
From: Kyle Coleman [mailto:kcoleman509@gmail.com]
Sent: Tuesday, June 02, 2015 1:28 PM
To: COMMISSIONERS
Subject: Zoning Issue for Marijuana Commercial Producers

Commissioners,

Thank you for allowing comment on the zoning for marijuana in Benton County. As a young boy traveling through the area to my relatives in Lake Chelan, I saw the blowing dust and wondered why anyone would ever live in such a place. Now I'm proud to be a resident of 11 years and want to see the area continue to thrive.

Please consider the long term negative consequences in allowing commercial weed to be produced near neighborhoods. The difficulty in being a neighbor to a disruptive practice (loud music, junk cars, late parties) is that most of these things mostly effect immediate neighbors so it is easy for others to ignore the problem. I sympathize with any family that would have to take on commercial marijuana production near their homes. Regardless of the legality or current zoning today, this practice will certainly devalue any neighborhood as the practice gets more popular. There is a commercial site being prepared on Clodfelter Road within 2 miles of a school. How is it even possible such a thing could be permitted?

Please protect Washington families by zoning commercial marijuana production one mile from existing dwellings at the time the permit was extended, and require commercial pot growers to register with the state so that future home builders know in advance what they are getting into.

Kyle Coleman
Director of Marketing, North America
Tessenderlo Kerley/NovaSource
Kennewick, WA
509-430-2299

---
Dear Commissioners,

We thank you for the hearing yesterday, and for listening to not only our neighbors near the proposed Clodfelter farm, but to folks up and down the valley who supported a ban on R-5 growing.

This note is to request that you not vest Peyote Canyon LLC from the ban on growing on R-5 land. Mr. VanLuyen showed a blatant disregard for county authority when he started his fencing and electrical work without permits. He has expended his money to complete his fencing, improve his culvert and do upgrades on the barn at his own risk, knowing that action to ban grows was underway. He farms on land further out in the county, and could move his grow without undo hardship to himself. Please do not vest him on this property.

Linda and Jim Bauer
28403 S Clodfelter Rd
Kennewick, WA 99338
Mike Shuttleworth

From: COMMISSIONERS
Sent: Friday, June 05, 2015 4:22 PM
To: bobbijofloydmsg@gmail.com
Cc: Jim Beaver; Shon Small; Jerome Delvin; Loretta SmithKelty; David Sparks; Mike Shuttleworth; Clark Posey
Subject: FW: New Ruling.

-----Original Message-----
From: Jerome Delvin
Sent: Friday, June 05, 2015 3:14 PM
To: COMMISSIONERS
Subject: Re: New Ruling.

Just out of residential areas for recreational. If the state places medical under the same standards then we will have to look at it.

Jerome Delvin
Benton County Commissioner

> On Jun 4, 2015, at 11:26 AM, COMMISSIONERS <Commissioners@co.benton.wa.us> wrote:
> 
> >
> >
> > -----Original Message-----
> > From: Bobbi Jo Floyd [mailto:bobbijofloydmsg@gmail.com]
> > Sent: Tuesday, June 02, 2015 1:15 PM
> > To: COMMISSIONERS
> > Cc: Sharon Brown; Larry Hailer; brad.klippert@leg.wa.gov
> > Subject: New Ruling.
> >
> > To my Reps and Benton Co
> >
> >
> > To take away a large portion of medical rights starting July 2016 and then allow these commissioners to stop process of I502 shows really how flawed things are.
> >
> > Jerome , did you not even know that our three reps have just made medicine soon to be harder to get and grow our own?
> >
> > So why commissioners are you making a legal grow to be banned?
> >
> > Bobbi Jo Floyd
If you didn't know by now, medical grows are not allowed after Inslee signed the new law into effect a month ago.

By July 2016 all medical patients that want to grow over 6 plants have to go on a registry. (was 15)

All dispensaries will be shut down and they are working on that now. 502 retail stores cannot service those who chose to do things like juice leaves.

So the legislators got themselves in a real pickle, they are shutting down a over 10 year medical program to push 502.

Except 502 was so poorly written and promised not to mix rec and medical together. Except so much power was behind 502, medical patients lost.

This whole system was botched from the beginning. I have spent much of my time educating serious medical conditions on the use of cannabis.

Linda B threw her DOE past around and is throwing a little fit.

If any of you or her had a family member relying on this you'd not think twice about letting this pass.

I've already had my gun rights taken due to ignorance. I can't get anymore conservative. I just happen to be sick.

People in charge need to read up on both laws and see the predicament your decisions are putting people in.

I encourage you to watch Dateline this weekend on medical cannabis.

That slick homeowner association backdoor deal was just that. Slick. They have not just fought 502 they have banned medical here.

Feel free to read how my gun rights were taken below.

Thank You,
Bobbi-Jo Floyd

On Jun 5, 2015, at 4:22 PM, COMMISSIONERS <Commissioners@co.benton.wa.us> wrote:

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To my Reps and Benton Co

To take away a large portion of medical rights starting July 2016 and then allow these commissioners to stop process of 1502 shows really how flawed things are.

Jerome, did you not even know that our three reps have just made medicine soon to be harder to get and grow our own?
So why commissioners are you making a legal grow to be banned?

Bobbi Jo Floyd
Mike Shuttleworth

From: jill.hedgpeth@frontier.com
Sent: Monday, June 08, 2015 7:48 AM
To: Jerome Delvin; Shon Small; Jim Beaver
Cc: Mike Shuttleworth; Paul@columbiariverseed.com
Subject: LLV Green Vesting

Gentlemen,

I am writing you concerning the address 28505 S Clodfelter Rd., Kennewick, WA. This property is owned by Peyote Canyon LLC. Peyote Canyon LLC is owned by Jerry Van Zuylen (UBI 603470140).

This piece of property has protective covenants that states the purpose is to develop individual small acreages with high quality residences. Mr. Van Zuylen’s brother in law Scott Musser and Steve Conner wrote these covenants in 1994 (Musser/Conner Short Plat). Steve Conner and Jerry Van Zuylen are both listed as the governing people of Badger Canyon Coffee Company LLC (UBI 603217348) and Stoneridge Event Center LLC (502682340). Van Zuylen, Conner and Musser are governing people of CMV Holdings, LLC (UBI 602350315). I’m establishing that Mr. Van Zuylen isn’t new to the real estate and building industry. He is also family and in business with the individuals that wrote the protective covenants.

Since purchasing the property (28505 S. Clodfelter Rd.), work has been done without acquiring the proper permits.

Electrical: Electrical work inside and outside the shop was done without obtaining any permits. This was reported to L & I. After visiting the property, Mike Chase from L & I called and informed me that new framing, sheetrock and a bathroom had also been added. He asked if code enforcement had been notified. I notified Dale Wilson about the building. All inside building additions office and bathroom completed without a building permit. During this time Connor construction vans were there multiple times.

Septic: Since a bathroom had been added, I called the Department of Public Health and spoke with Chris Plager. He informed me that no septic permit had ever been applied for that property. Chris informed me his supervisor Rick Dawson spoke with Mike at Benton County Planning regarding this matter. I sent pictures to Chris (dated April 30) showing two septic cleanouts. I sent pictures to Chris (dated May 3) where the septic cleanouts appear to have been cut below ground level. Landscape was added in this area to help hide cleanouts.

Fence: Starting to build an 8 ft fence without obtaining a permit. Frontier Fence has since come in and finished the chain link fence with vinyl slats. From what I can tell, the layout of the fence changed a bit, and a camera pole has been removed. He built it on the neighbor’s property and had to remedy.

Building: framing, sheetrock and a bathroom as noted by L & I.

All of the above shows Peyote Canyon’s (Jerry Van Zuylen) blatant disrespect for the permitting process and other people’s property.

At this point it is Peyote Canyon that has done all the work to this property.

However, LLV Green is the entity that has filed for a growing permit at this address, not Peyote Canyon. My concern is whether you will find LLV Green, a different business, vested as a marijuana producer at this address.

Thank you for your consideration regarding this matter. I sincerely hope the commissioners take a very narrow view regarding vesting of marijuana entities in the rural 5 lands zoning. I appreciate that this is heavy decision for the counties liability. However, this whole exercise will be for not, unless the commissioners take a
courageous position regarding vesting. Your constituents will be supportive and encouraging of you to stand and make a statement for the betterment of county. I pray for you and the weighty decisions that face you.

Sincerely,

Paul and Jill Hedgpeth

Sent from Windows Mail
From: Jerome Delvin
Sent: Friday, June 05, 2015 3:12 PM
To: COMMISSIONERS
Subject: Re: Zoning Issue for Marijuana Commercial Producers

Thank you for your e-mail and comments. The Board is moving forward to move any production out to AG zoned lands. The state is who licenses the growers and processors. The county can only put zoning restrictions at this time. There are a few court cases moving forward to decide what authorities the counties do have with marijuana.

Jerome Delvin
Benton County Commissioner

On Jun 4, 2015, at 11:27 AM, COMMISSIONERS <Commissioners@co.benton.wa.us> wrote:

From: Kyle Coleman [mailto:kcoleman509@gmail.com]
Sent: Tuesday, June 02, 2015 1:28 PM
To: COMMISSIONERS
Subject: Zoning Issue for Marijuana Commercial Producers

Commissioners,

Thank you for allowing comment on the zoning for marijuana in Benton County. As a young boy traveling through the area to my relatives in Lake Chelan, I saw the blowing dust and wondered why anyone would ever live in such a place. Now I'm proud to be a resident of 11 years and want to see the area continue to thrive.

Please consider the long term negative consequences in allowing commercial weed to be produced near neighborhoods. The difficulty in being a neighbor to a disruptive practice (loud music, junk cars, late parties) is that most of these things mostly effect immediate neighbors so it is easy for others to ignore the problem. I sympathize with any family that would have to take on commercial marijuana production near their homes. Regardless of the legality or current zoning today, this practice will certainly devalue any neighborhood as the practice gets more popular. There is a commercial site being prepared on Clodfielter Road within 2 miles of a school. How is it even possible such a thing could be permitted?
Please protect Washington families by zoning commercial marijuana production one mile from existing dwellings at the time the permit was extended, and require commercial pot growers to register with the state so that future home builders know in advance what they are getting into.

Kyle Coleman  
Director of Marketing, North America  
Tessenderlo Kerley/NovaSource  
Kennewick, WA  
509-430-2299
Dear Mr. Small:

My name is Eric Kalia. I applaud your victory over candidate Dalton, as he was against the marijuana laws and felt he needed to reverse them.

My best friend Bill went to high school with you and runs the website for the Grandview Greyhounds. He and I (beside being a candidate myself) decided to vote for you in the last election. I am certainly glad I did. However, I saw your statement at the Prosser Hemp meeting the other night, and this needs some discussion.

I feel that your statement was valid (about distribution of cannabis), however we must remember two or three facts. The system currently in place (DEA and police resources attempting a zero tolerance policy against pot) doesn't put out of business dangerous drug dealers the way small, legal grow ops do. This has even (correctly) been validated by the Justice Department, who stated that controlled, regulatory sales of cannabis can be more effective at stopping crime and stopping drug dealers. This is not greed. This is a voter approved law of which implementation is an experiment, and vital. If we do not see results, our state will remain a dangerous place to live.

I believe this law. I gathered signatures from people who wouldn't support our president--because he is a black man at the same time as my gathering of signatures around the Tri-Cities. We must be aware to give this a chance or I fear our state will exist as a "jumpoff point" for Canadian and Mexican Cartels. It's either this or we return to a system of incarceration to our families, rather than decriminalization (especially legalization) of a plant that has never killed even one person.

Open your mind. It would be our fault if things went somehow wrong. However, you're there to implement a voter approved law. If a ban is needed--turn to a local voter referendum.

I plan to open a storefront medical marijuana outlet in the city of Richland, and I wondered what steps would be needed. I am doing this to stop crime in the city as well as make a safe drug safer. I already own an LLC and have worked with local delivery dispensaries. I noticed that the city is failing in any attempt to collect taxes from the many, needed, medical outlets.

I thank you for your time.
Sincerely Yours

Eric Kalia
(509)619-3048
Mike Shuttleworth

From: Missy Schlotfeldt <missy@columbiasunrvresort.com>
Sent: Thursday, June 04, 2015 6:31 PM
To: Jerome Delvin; Jim Beaver; Shon Smail; Mike Shuttleworth
Subject: Columbia Sun RV Resort, Light Industrial, Interchange Commercial

Dear Commissioners and Planners,

I am writing to ask you to please review the definition of a “playground” as defined in WAC 314-55-010. I believe the definition is not in accordance with the Department of Justice’s definition of a playground nor does it meet the intent.

Title 21 of the USC states the term "playground" means any outdoor facility .... open to the public.... intended for the recreation of children.

The number one priority listed by the Department of Justice guidance is preventing the distribution of marijuana to minors. As stated, priorities are in general terms and many merit a variety of conduct. Example, preventing distribution to minors would include trafficking in an area associated with minors.

But, the state has drastically reduced this protection by eliminating any playground that are not publically owned or managed. WAC 314-55-010 defines “Playground” as a public outdoor recreation area for children.... owned and/or managed by a city, county, state, or federal government.

The State and Local Governments should have the same priority as the federal government to protect the safety and welfare of our youth regardless if they are on publicly owned lands. This priority should always out weigh the need to reduce these zones for the purpose of facilitating new marijuana businesses to create tax revenue. We should not sacrifice the safety and welfare of youth to make available Medical Marijuana. There has to be a different way.

My next request is for you to review the areas where responsibilities of state and local government fall thru the cracks. Who verifies these buffer distances for marijuana applicants when the county, local and state governments will not take responsibility for zoning and determining the proper placement of marijuana businesses?

Where is the protection of Benton County Residence and their welfare when no one is doing it?
In 2012-2013 we built a new Destination RV Resort in Light Industrial at 103907 Wiser Parkway, Kennewick, Benton County. We live with our children in our personal residence we built located at the RV Resort. This was the appropriate zoning when we were approved for our home and resort. We met with the County Planning Department and went thru all appropriate channels to obtain our special use permit.

The county has rezoned RV Parks to Rural Land 5, but our home and resort remain in Light Industrial. This is a multi million dollar project. Light Industrial zoning allows for a marijuana producer to locate next to my property or anywhere in Light Industrial. Our resort has a commercially designed playground which meets ADA requirements because it is open to the public and rightly so. In addition we have a children’s recreational room, a sports court (basketball/pickle ball/tennis), a swimming pool and a Frisbee golf field. A large part of my operations are geared toward children. We have an outdoor movie theatre system and we have purchased two separate copyright license to show outdoor movies in the Summer which are all geared to young children and families. We invested over $20 thousand this year in shade trees. Our guest spend a very large amount of their time outside.

Our park is frequented by members of youth sports of all ages who come for tournaments to the Tri-Cities and families coming to vacation here. We have put in place activities for children and families that qualify us to be included in the Family Camping Section of Good Sam’s Club. Children roam the park in the Spring and Summer because our guest feel this is a safe environment. This should not be near a high security and high risk marijuana producer.

My children nor the children of my guests are protected by the 1000 foot buffer for playgrounds which is supposed to be given by Title 21 United States Code - Controlled Substance Act. Subchapter 1 Part D §860 (A) and (E) because the state has reduced its protection to only children in publically owned or managed playgrounds. This is not right. The county again does not zone nor does the state.

Currently a ban in Rural 5 is being considered and rightly so. My home and RV Park would be in Rural 5 and be protected under the ban. But, our “Use” was moved to Rural 5 and our physical location remains Light Industrial, which is now inconsistent with our “Use” We were told twice to bring our concerns to the public hearing by you. At the public hearing June 2, we were told only comments concerning Rural 5 Land would be considered. Why is the marijuana farmer’s investment more important and valued than my investment? I would like an answer to this?

Many billions of dollars are unbanked, and there is not a fix in site. Every marijuana business runs a real risk of armed robbery for money and for product.
My son attends White Bluff Elementary which is just about 1000 feet from interchange commercial where a Marijuana Retail Shop can go into business. There are no buildings that buffer this land from the elementary. Four out of 22 MJ retail shops were caught in Seattle just a couple of weeks ago selling to minors. Until the retail shops understand selling to minors is very serious offense and the banks are willing to accept money and reduce the risk of violent crimes, 1000 feet is too small of a distance for an elementary school to be located from any marijuana business.

My daughter goes to Desert Hill's middle school in which the new school is being built in the midst of light industrial. The county is not planning or zoning for expansion nor determining if distance buffers are met and neither is the state.

I ask you, Commissioners, to help close this gap. Do not reduce buffers until certain dangerous risk are eliminated. Please Ban Marijuana throughout Benton County until these risk are eliminated. Don't let a child get hurt or the integrity of our zoning be ruined. Lets responsibility bring this in if we must, but don't let anything else get grandfathered in.

In Earnest,

Charlotte Schloffeldt

12103 S Cottonwood Drive (Residence)

103907 Wiser Parkway (Columbia Sun RV Resort)

Kennewick, WA 99338
Commissioners, please note I need to correct that my son goes to Cottonwood Elementary (not White Bluffs where he formerly attended). Thank you, Charlotte Schlotfeldt

Sent from my iPhone

Begin forwarded message:

From: Missy Schlotfeldt <missy@columbiasunrvresort.com>
Date: June 4, 2015 at 6:31:10 PM PDT
To: jerome.delvin@co.benton.wa.us, "jim.beaver@co.benton.wa.us"
     <jim.beaver@co.benton.wa.us>, "shon.small@co.benton.wa.us"
     <shon.small@co.benton.wa.us>, mike.shuttleworth@co.benton.wa.us
Subject: Columbia Sun RV Resort, Light Industrial, Interchange Commercial

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Our park is frequented by members of youth sports of all ages who come for tournaments to the Tri-Cities and families coming to vacation here. We have put in place activities for children and families that qualify us to be included in the Family Camping Section of Good Sam’s Club. Children roam the park in the Spring and Summer because our guest feel this is a safe environment. This should not be near a high security and high risk marijuana producer.
My children nor the children of my quests are protected by the 1000 foot buffer for playgrounds which is supposed to be given by Title 21 United States Code – Controlled Substance Act.. Subchapter 1 Part D §860 (A) and (E) because the state has reduced its protection to only children in publically owned or managed playgrounds. This is not right. The county again does not zone nor does the state.

Currently a ban in Rural 5 is being considered and rightly so. My home and RV Park would be in Rural 5 and be protected under the ban. But, our “Use” was moved to Rural 5 and our physical location remains Light Industrial, which is now inconsistent with our “Use”. We were told twice to bring our concerns to the public hearing by you. At the public hearing June 2, we were told only comments concerning Rural 5 Land would be considered. Why is the marijuana farmer’s investment more important and valued than my investment? I would like an answer to this?

Many billions of dollars are unbanked, and there is not a fix in site. Every marijuana business runs a real risk of armed robbery for money and for product.

My son attends White Bluff Elementary which is just about 1000 feet from interchange commercial where a Marijuana Retail Shop can go into business. There are no buildings that buffer this land from the elementary. Four out of 22 MJ retail shops were caught in Seattle just a couple of weeks ago selling to minors. Until the retail shops understand selling to minors is very serious offense and the banks are willing to accept money and reduce the risk of violent crimes, 1000 feet is too small of a distance for an elementary school to be located from any marijuana business.

My daughter goes to Desert Hill’s middle school in which the new school is being built in the midst of light industrial. The county is not planning or zoning for expansion nor determining if distance buffers are met and neither is the state.

I ask you, Commissioners, to help close this gap. Do not reduce buffers until certain dangerous risk are eliminated. Please Ban Marijuana throughout Benton County until these risk are eliminated. Don’t let a child get hurt or the integrity of our zoning be ruined. Lets responsibility bring this in if we must, but don’t let anything else get grandfathered in.

In Earnest,

Charlotte Schlotfeldt
12103 S Cottonwood Drive (Residence)

103907 Wiser Parkway (Columbia Sun RV Resort)

Kennewick, WA 99338
Distinguished Commissioners,

I want to lend my voice and support to the effort to ban pot farms and production facilities in the rural areas. If Mr. Schneider thought he could march into our county and start producing marijuana uphill from a family-centered neighborhood and Middle School without a fierce legal fight, he is deluded. Let him go buy land in Selah and see how THAT community responds.

Let me know if there is anything else I can do to help support the continued restriction.

Thank you.

--
Kevin Mote
Hansen Park Resident
I was going through the I-502 Applicants and noticed that there were a number of active "Processor licensees on R5 Residential lands. Not sure if these are unincorporated or actually apart of the city they are listed under. The ones under Kennewick raised my eyebrows because clearly both Benton and Kennewick never allowed Processors. I could have this wrong. So I'll list the properties and the license information (all but the top one have active producer licenses as well).

<table>
<thead>
<tr>
<th>Location</th>
<th>Processor</th>
<th>UBL</th>
<th>Zip</th>
<th>Type</th>
<th>Address</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
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<tr>
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<td>41.23842</td>
<td>99344</td>
<td>Res</td>
<td>2012/2013/2014/2015/2016</td>
<td>46.950093</td>
<td>-119.677755</td>
<td></td>
</tr>
<tr>
<td>Horse Heaven Hills High</td>
<td>41.78841</td>
<td>99344</td>
<td>Res</td>
<td>2012/2013/2014/2015/2016</td>
<td>46.950093</td>
<td>-119.677755</td>
<td></td>
</tr>
</tbody>
</table>

Thank you.

Best Regards,

Paul Cardelli
CISSP, C|EH, C|HFI
Hello Benton County Commissioners,

I am a registered voter living in Benton County zone RL-5 and I wanted to weigh in on the proposed ban on cannabis in Benton County. I read the transcript from the last public hearing and I would like to add some testimony:
When I was young, I told my father about the obvious flaws in cannabis prohibition. He then told me "if you don't like the laws, go change them". Well we did change the laws and now you are just throwing that out the window and abandoning the rule of law so you can ban cannabis and hold the people of Benton county hostage for what? Some state money?
What kind of message are you trying to send to the people? There is no rule of law? We can just ban whatever we want on a whim? So... can anybody just ignore the law and do whatever they want?

Next, who is going to pay for the lawsuits caused by this? I'm certainly not. You need to indemnify my property against any future assessments for taxes that have to be raised to pay for this ban. We've already lost most of our tax money to the "war on drugs", we're done with that, now let's move forward like big grown-ups and stop acting like children. 
Tell those people who support the ban that they live in RURAL land and NOT RESIDENTIAL land. If they want to live in a gated community without farms then they can certainly do so. They can even find fancy gated communities in Richland with snobby, nosey neighbors that already banned cannabis.

Finally, think of the children. I-502 has earmarked 25% of tax revenue for schools; but if you ban it, you probably won't get any money. So you're effectively robbing our children of money for their education.
I've already pulled my child out of Kindergarten and am hybrid-schooling him because the class sizes in his school are outrageous, 30,000 teachers just went on strike, and the math scores for kids in his school are in the bottom half of the state, which is in the bottom half of the nation, which is in the bottom half of the industrialized world. We're talking about the bottom of the bottom of the bottom. Yes, that's right.
Your schools are the worst of the worst and it's because you refuse to hire enough teachers and aides to teach kids.

Your votes will be closely observed and you can count on NOT getting re-elected if you ban cannabis.

Sincerely,

Jeffrey Lebowsky
JUSTIN SCHNEIDER, CLEMANS MOUNTAIN CANNABIS, LLC

P. O. BOX 1133

SELAN, WA. 98942

June 15, 2015

Michael E. Shuttleworth
Planning Manager
Benton County Planning Department
1002 Dudley Avenue
Prosser, WA 99350

Dear Mr. Shuttleworth:

For your information I am enclosing a copy of a letter I sent to the Benton County Commissioners regarding our request to grandfather in our Marijuana farm under Ordinance No. 561, Section 1 (h).

Very truly yours,

JUSTIN SCHNEIDER

---

RECEIVED

JUN 15 2015

Benton County
Planning Department
JUSTIN SCHNEIDER, CLEMANS MOUNTAIN CANNABIS, LLC
And Lyle R. and Louise M. Schneider, Family Trust
P.O. BOX 1133, SELAH, WA. 98942

June 15, 2015

TO: BENTON COUNTY WA., BOARD OF COMMISSIONERS

BENTON COUNTY COURT HOUSE
620 MARKET STREET
PROSSER, WA 99350

DEAR SIRS:

In January of this year we purchased 9.82 acres on W. Johnson Road (1-3394-200-0003-002). We thoroughly checked the zoning and found it to be RL 5 which we were told allowed the growing of Marijuana. We proceeded to construct a legal Marijuana farm following the requirements of the Liquor Control Board as well as the requirements of Benton County.

We selected an area that was isolated from any neighborhood or schools. The property on Johnson Road is across the street from vacant land zoned Light Industrial. The land on either side of our 9.82 acres is vacant. The land we purchased was open space farm land.

We have invested a considerable amount of money into this project just to find out that on May 12, 2015 you passed Ordinance 561 which restricted the production of Marijuana in RL 5 zoning.

However, Section 1 (h) of Ordinance No. 561 states that “The intent of the Ordinance is to prevent potential new marijuana production operations and has no effect on marijuana growing operations already located within RL 5 District at the time this Ordinance is adopted”.

I maintain that our marijuana farm was already located five months prior to this ordinance and should be allowed to be grandfathered in under Section 1 (h).

We have complied with every request of the Planning Department and other Benton County Departments as well as the Liquor control Board requirements. Please refer to list attached.

Very truly yours,

Justin Schneider

cc: Benton County Planning Department
JUSTIN SCHNEIDER, CLEMANSS MOUNTAIN CANNABIS, LLC

LIST OF PERMITS REQUIRED BY BENTON COUNTY AND
BY WASHINGTON STATE LIQUOR BOARD

FENCE PERMIT: 8 FOOT FENCE: TWO INSPECTIONS-FOOTING AND FINAL INSPECTION.

LIQUOR CONTROL BOARD REQUIREMENTS
FINGER PRINTING AND COMPLETE BACK GROUND CHECK

ROAD APPROACH PERMIT: GRAVEL BASE INSPECTION AND HOT ASPHALT INSPECTION

BUILDING PERMIT FOR TWO 12X16 SHEDS REQUIRING ENGINEER DRAWINGS.

WELL PERMIT – DEPARTMENT OF ECOLOGY

BENTON COUNTY PUD POWER: NEW SERVICE DITCH, CONDUIT, AND METER BASE INSPECTION BEFORE POWER WAS BROUGHT IN.

LNI INSPECTION: STATE FOR METER BASE TO ALL ELECTRICAL WIRING IN AN OUTSIDE BUILDINGS

SUNNYSIDE VALLEY IRRIGATION DISTRICT WATER PAID IN ADVANCE OF RECEIVING WATER
JUSTIN SCHNEIDER, CLEMANS MOUNTAIN CANNABIS, LLC
P. O. BOX 1133
SELAN, WA. 98942
June 15, 2015

CLARK A. POSEY
ASSISTANT PLANNING MANAGER
Benton County Planning Department
1002 Dudley Avenue
Prosser, WA 99350

Dear Mr. Posey:

For your information I am enclosing a copy of a letter I sent to the Benton County Commissioners regarding our request to grandfather in our Marijuana farm under Ordinance No. 561, Section 1 (h).

Very truly yours,

JUSTIN SCHNEIDER

RECEIVED

JUN 15 2015
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SUNNYSIDE VALLEY IRRIGATION DISTRICT WATER 
PAID IN ADVANCE OF RECEIVING WATER
Benton County Commissioners  
Prosser, Washington 99350  

June 15, 2015  

Gentlemen;  

This letter responds to the Benton County commissioner meeting for June 16, 2015, which schedules a continuation of consideration of Resolution 358 dated May 12, 2015.  

We note that the resolution of May 12 does not include a moratorium pertaining to GMA Ag District land which is, in fact, the bulk of agricultural land in Benton County and ordinarily subject to the most stringent standards of agricultural zones under the Growth Management Act. We also see that the ability to process marijuana remains unrestricted by the County in the GMAAD.  

As discussed in our letter of June 1 (a copy of which is attached), we continue to stress that marijuana is not an “agricultural product” by any stretch of the definition. There would seem to be a reluctance by neighboring counties to give marijuana the stature afforded it by the Benton County Resolution 167 dated February 25, 2014 and then again by Resolution 358 dated May 12, 2015.  

If the hearing scheduled for June 16 in confined to considerations for the RL-5 zone specifically, then it would be our request that the Benton County Commissioners would revisit, through the hearing process, the possibilities for a county-wide moratorium.  

Without overt action, our fear is that Benton County, with unregulated Ag zones, is posturing for the fast track toward becoming a haven for the growing and processing of marijuana.  

Yours truly,  

Keith Burkhart  

Terry Burkhart  

cc. Mike Shuttleworth – Benton County Planning Department  
    Steve Thonney – Benton County Farm Bureau
Benton County Commissioners  
Prosser, Washington 99350  

Gentlemen:

This letter will serve to offer comment prior to the Commissioners meeting scheduled June 2, 2015 and also to comment on a related resolution signed by the Commissioners on May 12, 2015.

We take exception to content and wording of many of the numbered items in the resolution of May 12, 2015.

(1.) of this resolution reads:

Subject to any limitations imposed by Washington State law, marijuana, like other crops, may be grown in the County’s GMA Agricultural, Rural Lands 5, Rural Lands 20, Light Industrial, and Heavy Industrial zoning districts.

With the signing of this resolution, the Commissioners have effectively opened carte blanche nearly all the land mass in Benton County, except for the Hanford Reservation, to the unimpeded growing and processing of marijuana. The qualifier .........., Like other crops, may be grown .......... speaks volumes.

We would submit that the State of Washington has, in fact, imposed limitations, from at least the early 1990’s referencing “Agricultural product by definition to exclude marijuana, to as recently as June 12, 2014, in WAC 458-20-209 with reference to farming for hire and horticultural services. In this time frame, marijuana is never referenced as an “agricultural product; it is, in fact specifically excluded, the clause in (2.) of the resolution relative to the county-wide ability to process in the GMA Agricultural zone lacks logic for the same reason.

We believe there are many reasons for this posture by the State of Washington and its Department of Agriculture, but here are a few:

(1) To our knowledge, there is no herbicide, fungicide, or insecticide currently labeled for application on marijuana. Only labeled products are recognized by the Washington Department of Agriculture and its Pesticide Management Section. Labeling is a joint effort of the USDA, EPA, and the many states, with labeling by state. The recording of applications of these label pesticide products must be documented in Washington State as to date, time, wind direction and speed, the quantity of product applied, and place of application, along with such specifics as the applicator’s name and license number.

(2) Pesticides carry the EPA Label Number and are recorded in the spray records of the applicator, subject to the examination by the State Department of Agriculture. Since marijuana is both ingested and inhaled, control of purity should, by default, rest with the Washington State Department of Agriculture as the regulatory agency, but likely a reluctant participant.
(3) The County should anticipate the ultimate transition to GMO Cannabis and all the problems associate with that loose cannon.

(4) No ordinary source for financing will discuss money for a marijuana venture. Cash will become ordinary, in contrast to the growing and processing of any ordinary product in agriculture. Cash will equate to law enforcement problems.

(5) No other “agriculture product” carries a mandate that fire arms not be present at the point of business, both for growing or processing.

We cannot forget that the legalization of recreational marijuana through Initiative 502 was generated from the west side of the state. Of the 80,880 ballots cast on I-502 in Benton County, 56.4% were NO. By contrast in King County of the 951124 cast on I-502 only 36.5% were NO. Adjacent counties had similar voting patterns, but on the east side we have inherited this new industry.

Opening Rural Land 5, Rural Land 20, and certainly the bulk of agricultural land in the GMA zone defies logic. It will force Benton County residents to underwrite costs for administration and control of an industry essentially serving another population removed from us.

We believe it more reasonable to confine the growing and processing to a Heavy Industrial zone that more closely parallels the nature of this new business and minimizing its impact on residents and property values.

Ultimately, our first choice would be a ban on the growing and processing in Benton County. This tactic has worked in Colorado, where some counties have opted to simply not allow the growing or sale of marijuana within their county.

We pray that our Benton County Commissioners can and will resolve this matter in some way that leaves the fruits of generations intact, and will avoid the blight fostered by a backdoor industry that effectively serves a population removed from Benton County.

Truly Yours,

Keith L. Burkhart

Terry A. Burkhart

Cc: Mike Shuttleworth, Benton County Planning Department

Steve Thonney, Benton County Farm Bureau President
Name: Genevieve L. Gonzalez
Address: 401 Lower County Line Rd
Prosse, WA 99350

Date: 6-15-15

Benton County Commissioner and Planning Committees
620 Market Street
Prosse, WA 99350

Dear Commissioners:

My name is Genevieve L. Gonzalez, and I reside at 401 Lower County Line Rd in Prosse, Washington, in Benton County. I am a legal voter in this county and state.

I am writing you to ask that you not put a moratorium, ban or re-zone parcels to push out Legal Marijuana Businesses in our county.

I currently live next door to a grower. If anything I feel safer living next to a grower, knowing all the security that has to go along with one. They never bother us in any way. I think the a ban on 502 businesses is ridiculous. The county would lose a lot of money. These businesses bring in more tax money and jobs into the county. Again I am a registered voter in Benton County as well as a happy neighbor to a 502 business

Genevieve L. Gonzalez
P.O. Box 415  
Benton City, WA 99320  

June 15, 2015  

Benton County Commissioners and 
Planning Committees 
620 Market Street 
Prosser, WA 99350  

Dear Commissioners:  

I am writing to ask that you not attempt to push out the legal marijuana businesses in Benton County by instituting a ban or moratorium or re-zoning parcels. Like it or not, the voters in this state, many residing in this County, have voted in favor of marijuana legalization.  

I am continually amazed at how misinformed or uninformed people choose to be on the subject of cannabis, whether medical or recreational. What other companies are required to jump through so many hoops just to open their doors to their customers? Does Benton County have any other industries that have been forced to invest so much time, initiative and money into their businesses just to get started? The tremendous outlay of capital and energy to comply with the ever-changing landscape of rules and regulations is mind-boggling! Every new twist in this on-going escapade seems to take us farther and farther from the original idea of legalization. Wasn’t the primary intent of legalization to minimize or eliminate the black market for marijuana? Each day these businesses are not open and providing legal cannabis to adults choosing to partake is a great day for drug cartels and the black market. I believe supporting our state’s legal marijuana businesses is the next best step towards discouraging the criminal activity currently involved in the illegal trafficking of marijuana. We stand to lose much by fighting legalization but have much more to gain by embracing this new industry and the many cottage industries it continues to inspire. Colorado is now marketing such tourist experiences as cannabis resorts, Bed & Breakfast Inns and upscale restaurants pairing wines with cannabis-enhanced desserts. It seems to me that a healthy marijuana trade would only complement our ever-expanding wine industry here in Eastern Washington.  

Even the best minds are unlikely to come up with any plan that addresses all possible issues on the first try. The legalization process, so far, is off to a slow, jerky, cumbersome start. We (the people) should move forward with the legal marijuana market and learn as it grows. We could respect the voices of those citizens that made the effort to vote and decided for legalization. We can just get started and see where it goes, addressing any issues should they arise. We can give it a try before we decide it’s not going to work.  

I stand in support of legal marijuana businesses, and ask that you not place a moratorium or ban (de facto or otherwise) on the legal production, processing or retail sales of marijuana products; and please avoid the costs and hassles associated with re-zoning all of Benton County in an effort the thwart an issue that has already been decided by the voting citizens of Washington State.  

Thank you for your time and consideration in this matter.  

Sincerely,  

D. K. Washburn
Name: Richard Welker
Address: 104302 W OTE HWY
Prosse, WA 99350

Date: 6-19-15

Benton County Commissioner and Planning Committees
620 Market Street
Prosse, WA 99350

Dear Commissioners:

My name is Richard Welker and I reside at 104302 W OTE HWY
Prosse, Washington, in Benton County. I am legal voter in this county and state.

I am writing you to ask that you not put a moratorium, ban or re-zone parcels to push out Legal Marijuana Businesses in our county. This is a new struggling industry that has more pitfalls than other industries. The many years of only negative views have tainted a minority of people that will do whatever to squelch the growth of this industry. As it was stated in the hearing on June 2, 2015 there are many businesses in operation that are not having a negative effect on the community. They have gone to great lengths to abide by all of the ever changing rules and regulations. They have purchased permits to accommodate the county, pay taxes to accommodate the county and continue to try to survive in an ever evolving industry. They have not held public protests when unfairly asked to pay more than the other businesses around the county. They have found a way to quietly make their way, get their licenses and earnestly building business that will thrive. If one business owner has not followed the rule then get rid of that one business. The rest of the business owners should not be punished for one business owner’s bad decisions. We don’t shut down all the cocktail bars and taverns just because one owner/employee of one establishment was selling to minors. We have not shut down all cigarette retail outlets because outlet sold to minors. We have not banned or put a moratorium on selling liquor or cigarettes in the county. The many have not and should not be punished for the actions of the few or the one.

Furthermore, if you re-zone areas in which it is currently allowed to have a legal Marijuana Business then what happens to those businesses? Those owner have put a great deal of money into that location. There is an enormous amount of money, time and effort put into getting established. Some of the business owners and potential business owners in order to get a license or in various stages of obtaining the license have spent a great deal of money to secure those locations. It would be financially fatal to most or near impossible to just pick up and move. The constant redefining of zoning areas in which a Legal Marijuana Business can operate has already caused several business owners to not have complete use of the licenses that they have obtained and maintain.

Already some of the Marijuana Businesses have tried to support and donate money back into the county but have been met with negative attitudes and negative results. This is an industry that was voted on by the people of Washington State and passed a majority vote of the people. Yet at every turn are met with closed minded officials that send them on their way because has not been generally accepted in the past. Are we still so ready to embrace the black market and the criminals that we will push away the legal businesses?

I am ready for change, change for the better. I believe that supporting the Legal Marijuana businesses is the only way we can reduce and eventually eliminate the criminal element that has been associated with Marijuana for decades. I support the Legal Marijuana Business!

I appreciate your help and ask that you please not ban or put a moratorium on the Legal Marijuana Businesses.

Thank you for your time and considering my request.

Sincerely, Richard Welker
Name: BENEWA WELKER
Address: 104302 W OIE HWY
PROSSER, WA 99350

Date: 6.14.15

Benton County Commissioner and Planning Committees
620 Market Street
Prosser, WA 99350

Dear Commissioners:

My name is BENEWA WELKER. I reside at 104302 W OIE HWY
PROSSER, Washington, in Benton County. I am legal voter in this county and state.

I am writing you to ask that you not put a moratorium, ban or re-zone parcels to push out Legal Marijuana Businesses in our county. This is a new struggling industry that has more pitfalls than other industries. The many years of only negative views have tainted a minority of people that will do whatever to squelch the growth of this industry. As it was stated in the hearing on June 2, 2015 there are many business in operation that are not having a negative effect on the community. They have gone to great lengths to abide by all of the ever changing rules and regulations. They have purchased permits to accommodate the county, pay taxes to accommodate the county and continue to try to survive in an ever evolving industry. They have not held public protests when unfairly asked to pay more than the other businesses around the county. They have found a way to quietly make their way, get their licenses and earnestly building business that will thrive. If one business owner has not followed the rule then get rid of that one business. The rest of the business owners should not be punished for one business owner’s bad decisions. We don’t shut down all the cocktail bars and taverns just because one owner/employee of one establishment was selling to minors. We have not shut down all cigarette retail outlets because one outlet sold to minors. We have not banned or put a moratorium on selling liquor or cigarettes in the county. The many have not and should not be punished for the actions of the few or the one.

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I appreciate your help and ask that you please not ban or put a moratorium on the Legal Marijuana Businesses.

Thank you for your time and considering my request.

Sincerely, B. WELBER
To whom it concerns

I am a registered voter in Benton Co. and I live across from a grow. I have never had any problems with it. I support the 502 Bill and business in Benton Co. As well as jobs and $$$ these provide to the State / Co. it is an important asset to this country and State.

I would rather have the 502 law here than have illegal transportation and sales from other countries.

After all Prosser is a Pleasant Place with Pleasant People!

[Signature]

6/15/15
My name is _CAROL A. LEWIS_. I am legal voter. I moved myself here temporarily in May of 2014 to actively participate in our company. I am currently looking to buy a home and move my construction company here.

First: I am not a recreational marijuana user
Second: I voted NO on I 502.

Still I am here today as a Corp Officer and 1/3 owner of a Legally Licensed Marijuana business. The licensing process was and is painfully laborious, personally invasive, expensive, and enormously time consuming. I do not believe that anyone can fully understand or appreciate this process without going thru it. The LCB has gone to great lengths to ensure that all the money used was from a legitimate source.

As a business owner we have diligently followed all the rules. Buy permits, accommodate inspectors, file personal property lists so that the county can tax us, even when we felt that we were being targeted by several county agencies. A moratoria or ban now for active license holders and to halt progress on pending license holders is extreme. If a single entity has not followed the rules, has not gotten proper permits then stop them not everyone. Just because a cocktail lounge, or tavern sold alcohol to a minor you did not ban liquor in the entirety of the county?

I understand now that the apparent excise tax was indeed just a fee and not shared. However, when HB 2136 passes the Senate that will change. The shares of the excise tax will be solely dependent upon marijuana revenue generated in the respective city and county. No marijuana businesses no share of the money.

This was voted on and passed with a majority vote of the people. The many years of only negative views have left us as an industry faced with a few closed minds. Are we still so ready to embrace the black market and the criminals that we will push away the legal businesses? I believe that in supporting the Legal Marijuana businesses is the only way we can reduce and eventually eliminate the criminal element that has been associated with Marijuana for decades.

Carol Lewis
219 Lower County Line Rd
Prosser, Wa 99350
JUSTIN SCHNEIDER, CLEMANS MOUNTAIN CANNABIS, LLC  
And Lyle R. and Louise M. Schneider, Family Trust  
P.O. BOX 1133, SELAH, WA. 98942  

June 15, 2015  

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DEAR SIRS:  

In January of this year we purchased 9.82 acres on W. Johnson Road (1-3394-200-0003-002). We thoroughly checked the zoning and found it to be RL 5 which we were told allowed the growing of Marijuana. We proceeded to construct a legal Marijuana farm following the requirements of the Liquor Control Board as well as the requirements of Benton County.  

We selected an area that was isolated from any neighborhood or schools. The property on Johnson Road is across the street from vacant land zoned Light Industrial. The land on either side of our 9.82 acres is vacant. The land we purchased was open space farm land.  

We have invested a considerable amount of money into this project just to find out that on May 12, 2015 you passed Ordinance 561 which restricted the production of Marijuana in RL 5 zoning.  

However, Section 1 (h) of Ordinance No. 561 states that “The intent of the Ordinance is to prevent potential new marijuana production operations and has no effect on marijuana growing operations already located within RL 5 District at the time this Ordinance is adopted”.  

I maintain that our marijuana farm was already located five months prior to this ordinance and should be allowed to be grandfathered in under Section 1 (h).  

We have complied with every request of the Planning Department and other Benton County Departments as well as the Liquor control Board requirements. Please refer to list attached.  

Very truly yours,  

Justin Schneider  
cc: Benton County Planning Department
JUSTIN SCHNEIDER, CLEMAN'S MOUNTAIN CANNABIS, LLC

LIST OF PERMITS REQUIRED BY BENTON COUNTY AND
BY WASHINGTON STATE LIQUOR BOARD

FENCE PERMIT: 8 FOOT FENCE: TWO INSPECTIONS-FOOTING AND FINAL INSPECTION.

LIQUOR CONTROL BOARD REQUISITE
FINGER PRINTING AND COMPLETE BACK GROUND CHECK

ROAD APPROACH PERMIT: GRAVEL BASE
INSPECTION AND HOT ASPHALT INSPECTION

BUILDING PERMIT FOR TWO 12X16 SHEDS
REQUIRING ENGINEER DRAWINGS.

WELL PERMIT – DEPARTMENT OF ECOLOGY

BENTON COUNTY PUD POWER: NEW SERVICE
DITCH, CONDUIT, AND METER BASE INSPECTION
BEFORE POWER WAS BROUGHT IN.

LNI INSPECTION: STATE FOR METER BASE TO ALL ELECTRICAL WIRING IN AN OUTSIDE BUILDINGS

SUNNYSIDE VALLEY IRRIGATION DISTRICT WATER
PAID IN ADVANCE OF RECEIVING WATER
From: jill.hedgpeth@frontier.com [mailto:jill.hedgpeth@frontier.com]
Sent: Thursday, April 30, 2015 10:13 AM
To: Jim Beaver; Jerome Delvin; Shon Small; David Sparks; mike.hewitt@leg.wa.gov
Cc: Mike Shuttleworth; Clark Posey; Paul@columbiariverseeds.com
Subject: 28505 S. Clodfelter Rd

Gentlemen:

I have attached a few photos of how close the proposed marijuana grow facility is to my home. The first picture is taken as I enter my drive way. The proposed Marijuana Storage facility is on the right. The second is to show how close the facility is to my asphalt that my nine year old (and his dogs) rides his bike on. The third is taken from my garage to show the proximity of my home.

It came to my attention yesterday, that none of our letters to the Washington Department of Liquor in request to deny LLV Greens permit have been attached to the applicants file. It appears we may miss the public comment period due to the time it takes our letters or emails to reach the file. The application for a grow facility at the above address will likely be issued with no public comments.

County Commissioner by choosing to not make the public aware that marijuana growers have applied at specific locations in your county, you have hindered the citizens of Benton County ability to voice our opinions during the public comment period with the WDOL. You have failed to protect the citizens of Benton County and our property by not making them aware of what is going on in our back yards.

I urge you to rethink your current positions and procedures. When Rural lands 5 was amended with Ordinance 534 you failed to take into consideration that marijuana is a regulated crop that requires a state license to grow. It requires specific fences and security. It is not a normal agriculture crop. Last time I checked my potatoes weren't grown with and state license behind a 8 ft fence with security. There are other zones that are more appropriate for this crop.

It was commented by one of the Commissioners while I was at last Tuesdays meeting, that no one showed up, to oppose the changes to Rural 5 zoning during the public comment period. We the people elected you to make decisions for our BEST interest for the MAJORITY of the people not the MINORITY. It is my understanding this side of the state did not vote for marijuana to become legal. By allowing marijuana to be grown in Rural five zone you will change the landscape of our rural neighborhoods forever.

Thanks You. Jill Hedgpeth.
Donna Hutchinson

From: Henderson, Michael A <ma.henderson@pnnl.gov>
Sent: Tuesday, April 28, 2015 12:28 PM
To: Mike.shuttleworth@co.benton.wa.us
Subject: Mike Shuttleworth: marijuana farm on Clodfelter

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Shuttleworth,

I am writing to raise a serious complaint about a proposed marijuana farm being established at 28505 S. Clodfelter Rd outside Kennewick in Benton County. I live two lots from this site and am concerned about the following:

1. This marijuana growing establishment is inconsistent and incompatible with the neighborhood. The area is comprised of single family homes of value on the upper end of typical market prices in the area (> $400,000). There is no doubt that it will severely affect the value of property in the vicinity. As I understand it, this ‘farm’ will not have a residence on the property. Though it is within the letter of the Zone 5 designation, please be aware that the area has evolved far beyond that designation and is now compromised of single family residences.

2. I am concerned about light pollution. I understand that the farm requires 24 hr flood lighting. This is also inconsistent with the neighborhood. The construction of 8 ft high fences is also inconsistent with the neighborhood.

3. As Washington State begins its experiment with legalized marijuana, the repercussions of legalized growing, processing and distributing centers are a black box. There is no model to predict what such a facility as this farm will do to a neighborhood in terms of distractions and undesired attention (e.g., crime). It would be wise for the county not to allow the state to ‘experiment’ in areas where there is a high probability that such issues could occur. There are numerous single family dwellings near this site, many with young children. The effect on the security of the neighborhood is a serious issue.

I appreciate your consideration in this matter and hope that the county can take some proactive stance on this issue.

Sincerely,
Dr. Michael A. Henderson
30407 S. Clodfelter Rd.
Kennewick, WA
99338
509-308-8002
mahend-47@hotmail.com
From: Greg Gibbons <thehpgreg@hotmail.com>
Sent: Monday, May 11, 2015 10:16 PM
To: Jerome.delvin@co.benton.wa.us; shon.small@benton.wa.us; david.sparks@co.benton.wa.us; jimm.beaver@co.benton.wa.us
Subject: Marijuana grow permits - Please Vote NO

Dear Commissioners:

It has come to my attention that there are additional efforts to introduce additional marijuana growing facilities in rural areas of Benton County, specifically areas off Clodfelter and in Badger Canyon. As you may know, these areas are major growth areas for residential development where 5-acre parcels are not uncommon for single family homes -- a number of them with small children; moreover, current residents have land values that will be substantially impacted by having such facilities co-located. Increases in crime and what amount to commercial/industrial operations being adjacent to residential areas are not positive influences for growing and maintaining a strong residential property tax base. In the interest of these (and many other) factors, I ask you all to consider the following courses of action:

1) I respectfully request the Benton County Planning Commission to petition the Washington Liquor Control Board to institute a moratorium on issuing grow licenses for marijuana in our county. It may be that this action will not be honored by the Board, but it is in the interest of the citizens and voters of Benton County. It is perhaps no more than a formality, but it is also symbolic in that the citizens of Benton County want a say regarding how a new and relatively unique LAW in our state (let alone in the entire United States) is going to impact our lives going forward. If voters on the West Side want this law, we would like to see how it plays out for them before we allow it to impact us -- particularly since many of us did not want it in the first place.

2) If applications must be considered, I ask the Benton County Planning Commission to revisit the zoning areas that are acceptable within our county to grow marijuana. Since many of the permits being sought are in growing rural residential areas, I would submit that permits NOT be considered for parcels that are located in close proximity to developed areas or areas being considered for current or near-future (i.e. next 10 years at least) residential development. Commercial growing operations for other crops require much larger tracts of land to conduct business -- typically for multiple reasons. While grow farms for marijuana may not need the larger parcel size to accommodate the functionality of their operations; conflicts with neighbors, potential future residents, and other interested parties would be substantially smaller if larger, more remote parcels were required for these facilities. Indeed, I would suggest approving the introduction of these facilities will significantly hamper future residential growth in those areas.

3) I also petition and support the Benton County planning commission in a decision to remove rural lands 5 from the legally designated areas within our county to grow marijuana.

4) Ultimately, I would suggest that we follow the example of our neighbor Franklin County and take a strong stand by saying NO to applications on the table. Our county is prospering economically without the problems these facilities will bring to us; Franklin county has effectively eliminated this question and conflict from their communities by saying NO -- we need to do the same.

Thank you for your consideration.

Greg Gibbons
From: Loren Parker <parkerloren@yahoo.com>
Sent: Sunday, May 03, 2015 7:40 PM
To: jim.beaver@co.benton.wa.us; david.sparks@co.benton.wa.us; Jerome.delvin@co.benton.wa.us; Shon.small@benton.wa.us
Subject: Please stop the Marijuana farm on 28505 South Clodfelter Road in Kennewick and support bill SB 5130 - 2015-16

I have been made aware of the pot farm on 28505 South Clodfelter Road in Kennewick. I would like to ask you to do all you can to not allow marijuana farms anywhere near residential areas. Please take immediate action to block permits this S. Clodfelter and please support bill SB 5130 - 2015-16 to restrict marijuana producer and processor businesses from being located in certain residential and rural areas.

Thank you,
Loren Parker
Donna Hutchinson

From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, May 04, 2015 3:58 PM
To: Paul Cardelli
Cc: Jim Beaver; Shon Small; David Sparks
Subject: RE: Marijuana Growing in Benton County

Thank you for your e-mail and expressed concerns about the potential licensed marijuana grow operation located Clodfelter Road. The Benton County Commissioners and staff are working to find a solution to address the issues with residents on Clodfelter.

¶

Please understand, the state action of licensing under I-502 is not affected by what county action is taken. If the applicants meet the state requirements then a license is issued.

Also the counties or cities receive none of the taxes collected by the state.

Again thanks for your comments and I ask for patience while the board works through this.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Paul Cardelli [mailto:paul.cardelli@gmail.com]
Sent: Saturday, May 02, 2015 12:14 AM
To: Jim Beaver; David Sparks; Jerome Delvin; Shon.small@benton.wa.us
Cc: <jill.hedgpeth@frontier.com>; Paul Hedgpeth
Subject: Marijuana Growing in Benton County

A number of my fellow citizens as well of my family feel strongly, that Benton County should take a stance that is more in line with the citizens of Benton County on the legal growing and sale of Marijuana in our area. While the state law may have been passed in Washington State, it does not mean it is the same stance that was taken by Benton County's Citizens.

1. Personally I don't care about the growing of Marijuana, but it should not have any more special consideration then a Hog farm would in a residential rural neighborhood. Rural 5 zoned lands are no place for Commercial farming operations. There are plenty of irrigated agriculture lands where a grower could purchase or lease from larger farm operations. Please reverse the changes made to allow Marijuana farms to grow in our Rural 5 residential areas.

2. We do not appreciate having Farmers come in and violate our land covenants, zoning, and permitting laws. We all have to live by these rules and they should to. If grower can't follow our rules then they should be rejected from our community. Fines do not work unless they are high enough for the type of operation that is being facilitated by the violation.

3. If operations like this go up in our communities, is Benton County ready to protect it's citizens for what comes next? Will you patrol our areas, and keep the riffraff that want the millions in cash and marijuana that are locked away in these locations? Yes that's right these are cash operations.
Marijuana Farms are not a protected class, it is the right of our County and it's citizens to choose where they can or cannot be grow marijuana. You have the ability to say no, just like so many other counties like ours have said no. We need leaders that stand with their citizens, and have the same values as our citizens. We need leaders in our community that can take action, and we need that action now more then ever.

Please consider these thoughts, It is not too late to say no to the Liquor Control Board. The county has 20 days to deny a license. The state put this responsibility squarely on the local government.

Best Regards,

Paul Cardelli
CISSP, CIEH, CIHFI
To Whom it May Concern,

The reason I am emailing you all is because I am begging for your support and assistance. It has come to the attention of the area in which we live, that a marijuana farm is being set up. The property in question is owned by Peyote Canyon LLC, also known as LLV Green LLC located at 28505 S Clodfelter Rd, Kennewick, WA 99338. It is parcel #123881011891002 and it's license number is 415713. My neighborhood needs your help with stopping this grower from building this farm.

From what my neighbors have discovered, the land is not legally big enough, the building and electrical and everything else has been done without permits, the codes for growing marijuana on this property are not compatible with the codes of the covenant that this land is on, and finally and most importantly, this grower/owner wants to build this farm in a residential area!

Those are all valid arguments for the stopping of this property being turned into a Marijuana farm. My plea, however, is on a more personal level. I am a mother of 4 small children, the oldest being 9 and the youngest only 14 months old. I don’t know if you are aware, but to have a marijuana farm, extensive security measures must be taken. Tall wire fences with sharp razors, 24/7 security lights and guards. A place like this, that needs so much security because it draws in bad and, yes I’ll say it, scary, people, have no place being near children! I measured the distance today from where my older to children get on the bus and the property in question, and the distance was only .04 miles! .04!! Please, please, I am begging you, please investigate this matter and help me and my neighbors out.

I understand this type of farming is very lucrative to not only grower but to also the state and county, which might affect the permit and code writing parties. Please don’t let the safety of the area and its residence be forfeited for monetary gain. Some things are more important than that.

Thank you very much for your time,
Cassidy Beus
110310 Windward Ln, Kennewick, WA 99338
phone number 425-628-9771
All,

I have been made aware of the pot farm on 28505 South Clodfelter Road in Kennewick. I would like to ask you to do all you can to not allow marijuana farms anywhere near residential areas. Please take immediate action to block permits for South Clodfelter and please support bill SB 5130 - 2015-16 to restrict marijuana producer and processor businesses from being located in certain residential and rural areas.

Thank you,
Tamara Parker
Dear Commissioner Beaver,

May 3, 2015

We are writing to raise a major concern regarding a proposed marijuana farm (hereafter referred to as ‘pot farm’) being established at 28505 S. Clodfelter Rd outside Kennewick in Benton County (Washington Liquor Board license #415723). Our family lives two lots from this site. The image below illustrates our situation – there are more than 20 residences within a short distance of the proposed pot farm.

![Proposed pot farm](image)

An impartial inspection of this image clearly indicates that the proposed pot farm is inconsistent with this neighborhood, which constitutes both rural 5 and rural 1 zones. The area is comprised of single family homes with values on the upper end (>\$300,000). There is no doubt that this pot farm will severely affect the value of property in the vicinity. However, economics is not our only concern.

As Washington State begins its experiment with legalized marijuana, the repercussions of growing, processing and distributing centers are a black box. There is no model to predict how any such facility will affect its environment in terms of undesired and unanticipated consequences. It is obvious to residents in neighborhoods such as ours that the presence of a pot farm will not provide an enhancement. There is only the likelihood of crime, loss of value and general degradation of the peaceful standard that attracted residents here. The security and well-being of the families in the image are at risk.

Benton County has shown significant lethargy in both considering the ramifications of rural 5 pot farms and in engaging residents in the vicinity of proposed sites. (We found out by word of mouth.) Consider the example of Snohomish County, which has taken preemptive and immediate action to address this problem. The commissioners of that county understand the immense impacts that pot farms will have on their rural 5 citizens. It is within the power of Benton County Commissioners to do likewise. You represent us – we need you and your fellow commissioners to take an aggressive stance on reevaluating the use of rural 5 for marijuana growth.

Sincerely,

Drs. Michael A. and Pamela W. Henderson
30407 S. Clodfelter Rd.
Kennewick, WA 99338
509-308-8002
mahend-47@hotmail.com

PS Please see http://snohomishcountywa.gov/2169/Marijuana-Related-Facilities.
From: Paul Cardelli <paul.cardelli@gmail.com>
Sent: Wednesday, April 29, 2015 8:13 AM
To: steve.brown@co.benton.wa.us; peggy.brown@co.benton.wa.us; commissioners@co.benton.wa.us; planning.department@co.benton.wa.us
Subject: Clodfelter Road Zoning Violation - Commercial Outdoor Marijuana Farm

I am writing to you today regarding a pending application #415723-7A to grow Marijuana that is currently in front of the Washington Liquor Control Board. The application is for address 28505 South Clodfelter Road, Kennewick, WA 99338-9327. The property in question is zoned Rural Lands 5.

The Commercial Marijuana Farm under construction here on Clodfelter Rd in a Residential Neighborhood, we are going to be down wind from. If you know what that means it's like being down wind from a sewage plant or a hog farm for weeks when they go into harvest mode. We are hoping to stop this install to avoid costs involved with dealing with the complaints that will follow. I'm neutral on the growing it, but the location of where it happens needs to be better defined. The enforcement (Fines) also need to be adjusted to better discourage this type of land use where it is supposed to be residential.

Would you want to have an "Out door" marijuana farm in your backyard?

Here are a few of the violations, and problems that this will cause in this location:
- Oder Pollution during harvest (in lot less then 5 acres they are not exempt from enforcement) the lot is 4.36 acres
- Light Pollution - This operation requires 24/7 lighting for Security
- 8 foot fencing with razor wire - This will drive home values down in the area, decreasing county property tax revenue
- Waste - marijuana farms produce what is classified as solid waste when not kept in place.
- Water Rights - This is a residential plot, they are only supposed to take 5,000 gallons a month from the well. So where is the water coming from to irrigate their crop.
- Residential - It is required that they build a residence on a Rural 5 property. Their Marijuana permit with the state forbids that they have a residence on a commercial facility.
- Building Permits - They have started construction without any building permits at all
- Zoning Violations

I'm not blind, I know what is happening to communities all over Washington, the corruption and millions in cash, but really we need zoning to keep residential areas from being driven away. It would be no better then a hog farm. It stinks. It has to go. Benton County has to do something about it and enforce the regulations we already have in place, or we'll elect people that can.

Best Regards,

Paul Cardelli
24905 S Clodfelter RD.
Kennewick WA 99338

509-987-4961
Hello Commissioners,

I represent an already operating i502 entity in Rural Lands 5 and oppose the ban you plan on implementing. I am curious if this ban will affect already operating and permitted businesses? I along with quite a few other people plan on showing up to the Tuesday council meeting to voice my disapproval of your plans. Many people invested quite a large amount of capital into starting State approved cannabis operations with the intent of following all county ordinances and obtaining applicable permits. This start up capital and on-going revenue makes its way back to many local people and businesses, the local economy is better off supporting the new cannabis industry. Many of the operations use local contractors for initial construction and upgrades throughout the lifetime of the business and many supplies are purchased locally as well. Fencing supplies, building material, soil, labor and anything else that goes along with operating a legal business will trickle back down to the local economy and will also have the effect of slowing down the black market in the area, a market that will continue to grow if 502 operations cease to exist locally. The cannabis market will continue to expand with or without your support, the question is, will you allow the tax dollars gained from this industry to flow through the local economy.

Thanks,

Justin Hazen
Donna Hutchinson

From: COMMISSIONERS
Sent: Monday, June 08, 2015 8:24 AM
To: Shon Small
Cc: Jim Beaver; Jerome Delvin; David Sparks; Loretta Smith-Kelty; Mike Shuttleworth; Clark Posey
Subject: FW: Attention Shawn small

From: Eric Kalia [mailto:erickalia90@gmail.com]
Sent: Sunday, June 07, 2015 12:48 PM
To: COMMISSIONERS
Subject: Attention Shawn small

Dear Mr. Small:

My name is Eric Kalia. I applaud your victory over candidate Dalton, as he was against the marijuana laws and felt he needed to reverse them.

My best friend Bill went to high school with you and runs the website for the Grandview Greyhounds. He and I (beside being a candidate myself) decided to vote for you in the last election. I am certainly glad I did. However, I saw your statement at the Prosser Hemp meeting the other night, and this needs some discussion.

I feel that your statement was valid (about distribution of cannabis), however we must remember two or three facts. The system currently in place (DEA and police resources attempting a zero tolerance policy against pot) doesn't put out of business dangerous drug dealers the way small, legal grow ops do. This has even (correctly) been validated by the Justice Department, who stated that controlled, regulatory sales of cannabis can be more effective at stopping crime and stopping drug dealers. This is not greed. This is a voter approved law of which implementation is an experiment, and vital. If we do not see results, our state will remain a dangerous place to live.

I believe in this law. I gathered signatures from people who wouldn't support our president--because he is a black man at the same time as my gathering of signatures around the Tri-Cities. We must be aware to give this a chance or I fear our state will exist as a "jumpoff point" for Canadian and Mexican Cartels. It's either this or we return to a system of incarceration to our families, rather than decriminalization (especially legalization) of a plant that has never killed even one person.

Open your mind. It would be our fault if things went somehow wrong. However, you're there to implement a voter approved law. If a ban is needed--turn to a local voter referendum.

I plan to open a storefront medical marijuana outlet in the city of Richland, and I wondered what steps would be needed. I am doing this to stop crime in the city as well as make a safe drug safer. I already own an LLC and have worked with local delivery dispensaries. I noticed that the city is failing in any attempt to collect taxes from the many, needed, medical outlets.

I thank you for your time.
Sincerely Yours

Eric Kalia
(509)619-3048
As a homeowner in Benton County I would ask that you ban all I-502 commercial marijuana businesses from growing in Benton County. Voters in Benton County rejected the marijuana initiative voted on earlier, but these businesses are still able to operate relatively close to schools, places of worship, and family residences. Not only is this a safety concern for children and adults living near these commercial marijuana businesses, but it hurts homeowners due to falling property values, and also the county because it will receive less in property taxes from these homes. Please say "NO" to these I-502 commercial marijuana businesses from operating in Benton County!!!!!!

Respectfully,
Josh Week
Linda, thanks for the message. Jim

Sent from my iPhone

On Jun 1, 2015, at 9:56 AM, Linda Redding <keeweegirl@frontier.com> wrote:

Attention: Benton County Commission:

I urge you to extend Ordinance 561 which prohibits commercial growth, processing, and distribution of marijuana in Benton County.

Should these activities be allowed, our ‘family environment’ and attraction of our neighborhoods by persons seeking such an area, will be jeopardized.

I do not support what both Washington and Colorado have done – legalizing the recreational use of marijuana. We must stop this in our area. This will only beget crime as is always the case when ‘money’ is the primary goal. This has already been proven to be the case in areas allowing this activity/business.

Our neighborhoods in the Badger canyon areas have and are rapidly growing with homes, schools, etc. This will be negatively impacted. Our investments in our property values will decline. Our children will be in danger, as will all of us.

There is absolutely nothing to be gained and much to be lost.

Thanking you in advance for your diligent consideration.

Sincerely,

James & Linda Redding, Country Meadows Estates
Donna Hutchinson

From: Jim Beaver
Sent: Tuesday, June 02, 2015 10:17 AM
To: Steve Proctor
Subject: Re: Marijuana hearing

Steve, thanks Jim

Sent from my iPhone

On Jun 1, 2015, at 2:37 PM, Steve Proctor <steve@sunetonions.com> wrote:

Tomorrow is sure to be a key event for you to receive input from the residents of Benton County as you consider how to handle marijuana grow restrictions. It is a pretty safe bet that there will be people brought in from the West side to support expanding the marijuana business but it is so important to reinforce that this decision must represent strictly the majority of the citizens of our county. As citizens here we are the people you answer to. You will be presented with any number of ideas and suggestions but please remember this county overwhelmingly defeated I-502. Each of you received a great deal of support from the business and agricultural interests in this county that are strongly conservative. You have it within your power to stop this insanity with very tough restrictions so that no marijuana can be grown or processed outside of an industrial zone where there are no houses, schools, churches, or at risk communities. We do not need anything that leads to any further moral decline in our society.

It is not even remotely reasonable that King and Snohomish Counties should have any input or influence in the decisions that are made regarding these grow operations in Benton County. If the information we have is correct it is even more ludicrous that the counties get no share of the tax proceeds generated from the production and sale of this drug. However the State will place the burden and cost of increased law enforcement for the crimes that will follow this drug trade on the Counties.

Gentlemen you have it within your power to virtually stop this situation now. The State law passed legalizing pot but the Counties have the power and control to regulate this as they see fit. We do not have to get steam rolled on this issue and we encourage each of you to use this as a platform issue and stand firm against this. If it is so restrictive and costly for any business to consider Benton County as a base of operation then they will move on hopefully outside Eastern Washington. As with most of the East side of our State we are blessed with wonderful family oriented communities to live in and raise our families and we want to preserve that atmosphere. That is exactly why each of you was elected and you will be elevated by standing firm against this.

Stand strong and united in your efforts to block the growth of the drug trade in Benton County.

Steve Proctor
Sales and Logistics
steve@sunetonions.com
(509) 786-3996 Office
(509) 832-8660 Cell
<image002.jpg>
Attention: Benton County Commission:

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Steve Proctor
Sales and Logistics
steve@sunetonions.com
(509) 786-3996 Office
(509) 832-8660 Cell
<image002.jpg>
Donna Hutchinson

From: CamanoBay@aol.com
Sent: Monday, June 01, 2015 8:20 PM
To: michael.shuttlesworth@co.benton.wa.us; shon.small@benton.wa.us; Jim Beaver; Jerome Delvin; David Sparks
Subject: Statement for June 2,2015 Planning Commissioners Meeting

Dear Commissioners;

We wish to have this email letter read into record for the June 2,2015 Benton Co. Planning Commissioners meeting.

This email letter is to state our opinion concerning marijuana grow facilities in Benton Co. Rural 5 areas. We are absolutely against any further permits allowing these facilities in Benton Co. and especially in the Rural 5 areas as we are residing in this zone, living in Cottonwood Springs. When we leave our development we are immediately affronted by this huge, ugly, high particle board fence, outbuilding and big steel roll up door to it, along side the residence. I understand this person started building without required permits also.

Besides the ugliness affecting property values there are more important issues. The increased crime associated with drugs, dangerous vehicle and person traffic, easier access to marijuana (recent passage of law notwithstanding), locations and proximity to rural residential with attendant negative impacts to neighbors and neighborhoods, for example, besides affecting property value, the strong order associated with the product, a rise in criminality of marijuana facilities which would run over into nearby neighborhoods, and close vicinity to neighborhood schools make it an attractive and dangerous nuisance.

Franklin Co. is just saying no, having shown respect to the people of that county. We are asking that you hear the voice of all those who know about this problem. We know more and more people who are finding out about this issue side with us.

We are asking Benton County Commissioners to immediately continue an indefinite moratorium on grow licenses, and immediately change the zoning requirement for any marijuana facilities from Rural 5 to Rural 20 placing them outside any potential neighborhood conflict.

We need the commissioners to take a strong stand and protect their neighbors' interests which we believe can be done while allowing legal businesses to go through more stringent reviews before permits and/or building starts taking place.

Thank you for your consideration and action on this neighborhood concern.

Terry and Jacqueline Lindblom
100003 Hillview Drive
Kennewick, WA 99338
509 572 2488

Barbara Randolph (sister to above person)
Dorothy Graesser (mother to Jackie and Barb)
residents also of 100003 Hillview Drive
Kennewick, WA 99338
509 572 2488
Donna Hutchinson

From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:30 PM
To: Brittney Kluse Photography
Subject: RE: Concern about marijuana growth near my child's school

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Brittney Kluse Photography [mailto:brittneyklusephotography@gmail.com]
Sent: Friday, May 29, 2015 12:04 PM
Subject: Concern about marijuana growth near my child's school

To whom it may concern,

We are aware of other areas in the State who have been dealing with consequences from marijuana growth and processing. We want you to ban marijuana production, processing, and retail in Benton County. There are many reasons we've come to this conclusion, but first and foremost we're concerned about the safety of our children and our community. As our representatives in this matter we need you to take a stand.

Sincerely

Brittney Kluse

Thank you!

BRITTNEY KLUSE
VOTED TRI-CITIES BEST PHOTOGRAPHER

Brittney Kluse Photography
brittney@brittneykluse.com
website | instagram | facebook
Donna Hutchinson

From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:30 PM
To: Lori Hayden
Subject: RE: Please say NO to marijuana in Benton County!!!

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Lori Hayden [mailto:lkrhayden@gmail.com]
Sent: Friday, May 29, 2015 12:23 PM
Subject: Please say NO to marijuana in Benton County!!!

As our trusted officials...

We voted you in to represent us... so please do what is in the best interest of our county and say no to marijuana here.

We recently become aware of the marijuana situation in our state, and the other areas of the state who are having to deal with negative consequences from marijuana production and processing. PLEASE ban this in Benton County. We are very concerned about the safety of our children and our community. This is a wonderful place to live and let's keep it that way. This issue seems to be money driven, but some things like quality of life are even more important than money. We moved here 13 years ago for the quality of life and hate for that to change or to have to move again.

Please take a stand on this important issue and ban marijuana production and processing here.

Lori and Brian Hayden
Kennewick, WA 99338
Donna Hutchinson

From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:30 PM
To: Paul Liniger
Subject: RE: ban i-502 from benton county

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Paul Liniger [mailto:acepaul@qwestoffice.net]
Sent: Friday, May 29, 2015 12:43 PM
To: COMMISSIONERS
Subject: ban i-502 from benton county

To whom it may concern,

Benton county voters voted NO on the marijuana initiative. We are aware of other areas in the State who have been dealing with consequences from marijuana growth and processing. We want you to ban marijuana production, processing, and retail in Benton County. There are many reasons we've come to this conclusion, but first and foremost we're concerned about the safety of our children and our community. As our representatives in this matter we need you to take a stand. we feel that I-502 business currently disregard local laws. Ultimately we would like to ban or place an indefinite moratorium until the dust settles for all I-502 businesses for all zones, leaving maybe Heavy industrial zones available but nothing else.

Sincerely,

Paul Liniger
101905 e Vaca rd
Kennewick, WA
Donna Hutchinson

From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:30 PM
To: Dan Smith
Subject: RE: Marijuana production ban

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Dan Smith [mailto:dpwsmith@gmail.com]
Sent: Friday, May 29, 2015 11:08 PM
To: Jerome Delvin
Subject: Marijuana production ban

Commissioner Delvin,

My name is Dr. Daniel Smith and I am a pain management physician based in Kennewick. I also happen to own 2.5 acres of land near Cottonwood Elementary, where I have planned to build my home for my wife and three children. I was shocked recently when I had heard about plans for marijuana production to occur ACROSS THE STREET from my children’s elementary. This cannot happen.

I am aware of other areas in the State who have been dealing with consequences from marijuana growth and processing. I want you to ban marijuana production, processing and retail in Benton County. There are many reasons I have come to this conclusion, but first and foremost I am concerned about the safety of my family, the local children and my community. As a representative in this matter I need you to take a stand.

Sincerely,

Daniel P.W. Smith, D.O.
Pain Medicine Physician and Owner, Pinnacle Pain Center
Kennewick, WA
Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

I, Donald Good & Lorna Good residing at 22601 cottonwood springs Blvd. located in rural lands 5 designation support the temporary moratorium on growing marijuana on rural lands 5. We ask that the commissioner’s pass a permanent moratorium on growing marijuana in count’s rural lands 5 designation. At minimum, we request that the commissioner’s pass a permanent moratorium in the cottonwood springs development because this is a family oriented neighborhood with school near by.

We request that or comments be read into the hearing record.
Donna Hutchinson

From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:28 PM
To: John & Melissa Fisler
Subject: RE: Public Hearing for June 2, 2015, Temporary moratorium on growing marijuana in rural lands 5.

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: John & Melissa Fisler [mailto:jfisler8698@charter.net]
Sent: Sunday, May 31, 2015 9:40 PM
To: Jim Beaver; Jerome Delvin; Shon Small
Cc: David Sparks; michael.shuttleworth@co.benton.wa.us
Subject: Public Hearing for June 2, 2015, Temporary moratorium on growing marijuana in rural lands 5.

Dear Commissioners,

We live in the Cottonwood Springs neighborhood in Kennewick, WA off of Badger Road. It has been brought to our attention that a marijuana facility is looking for approval to build off of Wiser Parkway. This is close to our home, Cottonwood Elementary school and a new middle school being built off of Clodfelter. A marijuana facility would cause all kinds of safety and air and noise pollution concerns for this area. I am writing to ask that you ban all marijuana businesses (growing, production, processing and retail) from Benton County's RL5 district and light industrial zoning.

Please read these comments into the hearing record for the Benton County Commissioner's Hearing on Tuesday, June 2, 2015 at 9:00 a.m., in regards to the temporary moratorium on growing marijuana on rural lands 5.

Thank you,

John & Melissa Fisler
98414 Canyon View Dr.
Kennewick, WA
Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner  
Benton County  
(509) 786-5600

Dear Benton County Commission:

I am writing to you today to express my strong support for extending Ordinance 561, banning the commercial growth, processing, and distribution of marijuana in Benton County, Washington. Rather than becoming an industrial marijuana hub, Benton County should remain a wholesome, family-friendly area that attracts those who wish to purchase homes, live, work, play, and raise children here. As Badger Canyon residents, my neighbors and I are particularly concerned about this issue, which I believe can largely be summarized as five key issues:

1. Increased crime — Although both Washington and Colorado have legalized the recreational use of marijuana, it remains illegal under federal law and the laws of nearly every other state in the U.S. One result is a thriving black market across the country and around the world, accompanied by money-laundering, and a host of other illegal activities. We know from the examples of Colorado and areas of Northern California, large-scale medical marijuana operations, that such activity is a powerful magnet for criminals. An increase in burglaries, violent robberies, homicides, and smuggling operations would be a certainty, as would increased federal law enforcement involvement in local municipal and County affairs.

   1.1. Benton County would become ground-zero for criminals ranging from burglars and armed robbers, to interstate smuggling syndicates. Every community that has allowed increased production and consumption of marijuana, for either medical or recreational purposes, has reported increased crime, danger to the general public, and the desperate need for additional law enforcement resources. Dropping the existing moratorium against commercial marijuana production would likewise make Benton County an unsafe, target-rich land of opportunity for criminals.

2. Land use — The Benton County Mission Statement states the County’s mission is to: “Provide solution oriented services to the community through the application of professional skills, adopted codes, and standards which facilitate the growth of the local economy and enhance the quality of life for current and future generations.”
2.1. Like others around the County, the Badger Canyon community is a growing residential area of new homes, schools, and nearby shopping, which is situated midway between Kennewick and Richland. The public benefit of continuing such residential development should clearly outweigh that of industrial marijuana production in terms of scarce land use, impact on property values, overall economic strength of the County, and the quality of life of its residents. Further, the decline in residential property values resulting from the introduction of nearby commercial marijuana operations would financially devastate existing homeowners and the local housing market, which is still struggling to recover from recession. Therefore, it seems the “highest-use” doctrine would dictate we must avoid dropping the moratorium against commercial marijuana operations at all costs.

3. Public services — The growing Badger Canyon area, like other unincorporated areas in the County, already has limited police and fire protection. Adding commercial marijuana businesses to the mix would overtax available services, especially law enforcement, with no offsetting benefits made available to the County or its citizens.

4. Infrastructure — As in the case with public services above, commercial marijuana operations would drain scarce resources from the public with no offsetting benefit. For example, our existing roads are inadequate to handle the large increase in commercial vehicle traffic likely resulting from a lifting of the existing moratorium. This is especially true in Badger Canyon, where there is only one main thoroughfare, namely Badger Road, and it is only two-lanes wide. Unlike the seasonal nature of local agricultural operations, marijuana production is typically a year-round activity, conducted on a large-scale industrial basis, which means the area would experience a dramatic increase in heavy-vehicle traffic. Also, since there is no city water available in the area, such operations would further strain scarce surface and underground water supplies.

5. Negative County revenue impact — While the State might realize some increase in B&O tax revenues, we know Benton County would receive little or no revenue from the introduction of any potential marijuana industries, and would surrender the opportunity for residential property tax revenues available through continued longer-term, higher-density residential development of any property instead committed to marijuana industries. The loss of revenue would represent a permanent reduction in the long-term economic strength and prospects of Benton County and its citizens.

Thank you for considering this request.

Sincerely,

William M. Hughes
Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner  
Benton County  
(509) 786-5600

From: Vickie [mailto:vld@yvn.com]  
Sent: Monday, June 01, 2015 8:19 AM  
To: COMMISSIONERS; Jim Beaver; Jerome Delvin; Shon Small; David Sparks; Mike Shuttleworth; Planning Department  
Subject: Request for Extension of Ord. 561

Dear Benton County Commissioners:

I am writing to you today to express my strong support for extending Ordinance 561, banning the commercial growth, processing, and distribution of marijuana in Benton County, Washington. Rather than becoming an industrial marijuana hub, Benton County should remain a wholesome, family-friendly area that attracts those who wish to purchase homes, live, work, play, and raise children here. As Badger Canyon residents, my neighbors and I are particularly concerned about this issue, which I believe can largely be summarized as five key issues:

1. Increased crime — Although both Washington and Colorado have legalized the recreational use of marijuana, it remains illegal under federal law and the laws of nearly every other state in the U.S. One result is a thriving black market across the country and around the world, accompanied by money-laundering, and a host of other illegal activities. We know from the examples of Colorado and areas of Northern California, large-scale medical marijuana operations, that such activity is a powerful magnet for criminals. An increase in burglaries, violent robberies, homicides, and smuggling operations would be a certainty, as would increased federal law enforcement involvement in local municipal and County affairs.

1.1. Benton County would become ground-zero for criminals ranging from burglars and armed robbers, to interstate smuggling syndicates. Every community that has allowed increased production and consumption of marijuana, for either medical or recreational purposes, has reported increased crime, danger to the general public, and the desperate need for additional law enforcement resources. Dropping the existing moratorium against commercial marijuana production would likewise make Benton County an unsafe, target-rich land of opportunity for criminals.

2. Land use — The Benton County Mission Statement states the County’s mission is to: “Provide solution oriented services to the community through the application of professional skills, adopted codes, and standards which facilitate the growth of the local economy and enhance the quality of life for current and future generations.”
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3. Public services — The growing Badger Canyon area, like other unincorporated areas in the County, already has limited police and fire protection. Adding commercial marijuana businesses to the mix would overtax available services, especially law enforcement, with no offsetting benefits made available to the County or its citizens.

4. Infrastructure — As in the case with public services above, commercial marijuana operations would drain scarce resources from the public with no offsetting benefit. For example, our existing roads are inadequate to handle the large increase in commercial vehicle traffic likely resulting from a lifting of the existing moratorium. This is especially true in Badger Canyon, where there is only one main thoroughfare, namely Badger Road, and it is only two-lanes wide. Unlike the seasonal nature of local agricultural operations, marijuana production is typically a year-round activity, conducted on a large-scale industrial basis, which means the area would experience a dramatic increase in heavy-vehicle traffic. Also, since there is no city water available in the area, such operations would further strain scarce surface and underground water supplies.

5. Negative County revenue impact — While the State might realize some increase in B&O tax revenues, we know Benton County would receive little or no revenue from the introduction of any potential marijuana industries, and would surrender the opportunity for residential property tax revenues available through continued longer-term, higher-density residential development of any property instead committed to marijuana industries. The loss of revenue would represent a permanent reduction in the long-term economic strength and prospects of Benton County and its citizens.

Thank you for considering this request.

Vickie Denney

25111 Sunset Meadows Loop

(509) 628-9738

vld@yvn.com
Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

-----Original Message-----
From: Cassidy Beus [mailto:cassidy.beus@gmail.com]
Sent: Monday, June 01, 2015 9:51 AM
To: COMMISSIONERS; Planning Department; Jim Beaver; Jerome Delvin; Shon Small; David Sparks
Subject: Ban on marijuana

To Whom it May Concern,

I have written before, stating my opposition to the production of marijuana in Benton County. As previously mentioned, I have children who get on the bus right next to the current marijuana "farm" in question. If this business, because it is most definitely NOT a farm, is permitted, it will create a dangerous situation for my family.

I am asking, really pleading, you to consider the option of banning the growing, production, processing, and selling of marijuana in this county. Sure it is just a few "fields" here and there right now, but more are coming and will keep on coming unless we do something!

I live out on clodfelter rd. There is empty land in front and behind my land. I am now in serious fear of all this land being converted to marijuana fields too. I am not exaggerating when I say that the stress of this whole situation and the rippling effects of this marijuana business in the county and state have caused me to have no appetite and loss of sleep! I really am living in fear for the safety of my home and children! I have a baby, along with a preschoooler and elementary kids! That is just sad that I have to stress out this much.

Please, please, take a proactive action. Protect our county and our families. It's our freedom and right too.

Thank you for reading this.
Sincerely,
Cassidy Beus.

Sent from my iPhone
From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:27 PM
To: Linda Redding
Subject: RE: Ordinance 561

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Linda Redding [mailto:keeweegirl@frontier.com]
Sent: Monday, June 01, 2015 9:55 AM
To: COMMISSIONERS; Jim Beaver; Jerome Delvin; Shon Small; David Sparks
Cc: Mike Shuttleworth; Planning Department
Subject: Ordinance 561

Attention: Benton County Commission:

I urge you to extend Ordinance 561 which prohibits commercial growth, processing, and distribution of marijuana in Benton County.

Should these activities be allowed, our ‘family environment’ and attraction of our neighborhoods by persons seeking such an area, will be jeopardized.

I do not support what both Washington and Colorado have done – legalizing the recreational use of marijuana. We must stop this in our area. This will only beget crime as is always the case when ‘money’ is the primary goal. This has already been proven to be the case in areas allowing this activity/business.

Our neighborhoods in the Badger canyon areas have and are rapidly growing with homes, schools, etc. This will be negatively impacted. Our investments in our property values will decline. Our children will be in danger, as will all of us.

There is absolutely nothing to be gained and much to be lost.

Thanking you in advance for your diligent consideration.

Sincerely,

James & Linda Redding, Country Meadows Estates
From: Jerome Delvin  
Sent: Monday, June 01, 2015 3:27 PM  
To: Vickie  
Subject: RE: Request for Extension of Ord. 561

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner  
Benton County  
(509) 786-5600

From: Vickie [mailto:vld@yvn.com]  
Sent: Monday, June 01, 2015 8:19 AM  
To: COMMISSIONERS; Jim Beaver; Jerome Delvin; Shon Small; David Sparks; Mike Shuttleworth; Planning Department  
Subject: Request for Extension of Ord. 561

Dear Benton County Commissioners:

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2. Land use — The Benton County Mission Statement states the County’s mission is to: “Provide solution oriented services to the community through the application of professional skills, adopted codes, and standards which facilitate the growth of the local economy and enhance the quality of life for current and future generations.”
2.1. Like others around the County, the Badger Canyon community is a growing residential area of new homes, schools, and nearby shopping, which is situated midway between Kennewick and Richland. The public benefit of continuing such residential development should clearly outweigh that of industrial marijuana production in terms of scarce land use, impact on property values, overall economic strength of the County, and the quality of life of its residents. Further, the decline in residential property values resulting from the introduction of nearby commercial marijuana operations would financially devastate existing homeowners and the local housing market, which is still struggling to recover from recession. Therefore, it seems the “highest-use” doctrine would dictate we must avoid dropping the moratorium against commercial marijuana operations at all costs.

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4. Infrastructure — As in the case with public services above, commercial marijuana operations would drain scarce resources from the public with no offsetting benefit. For example, our existing roads are inadequate to handle the large increase in commercial vehicle traffic likely resulting from a lifting of the existing moratorium. This is especially true in Badger Canyon, where there is only one main thoroughfare, namely Badger Road, and it is only two-lanes wide. Unlike the seasonal nature of local agricultural operations, marijuana production is typically a year-round activity, conducted on a large-scale industrial basis, which means the area would experience a dramatic increase in heavy-vehicle traffic. Also, since there is no city water available in the area, such operations would further strain scarce surface and underground water supplies.

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Thank you for considering this request.

Vickie Denney
25111 Sunset Meadows Loop
(509) 628-9738
vld@yvn.com
Donna Hutchinson

From: Jerome Delvin
Sent: Monday, June 01, 2015 3:27 PM
To: Linda Redding
Subject: RE: Ordinance 561

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Linda Redding [mailto:keeweegirl@frontier.com]
Sent: Monday, June 01, 2015 9:55 AM
To: COMMISSIONERS; Jim Beaver; Jerome Delvin; Shon Small; David Sparks
Cc: Mike Shuttleworth; Planning Department
Subject: Ordinance 561

Attention: Benton County Commission:

I urge you to extend Ordinance 561 which prohibits commercial growth, processing, and distribution of marijuana in Benton County.

Should these activities be allowed, our ‘family environment’ and attraction of our neighborhoods by persons seeking such an area, will be jeopardized.

I do not support what both Washington and Colorado have done – legalizing the recreational use of marijuana. We must stop this in our area. This will only beget crime as is always the case when ‘money’ is the primary goal. This has already been proven to be the case in areas allowing this activity/business.

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There is absolutely nothing to be gained and much to be lost.

Thanking you in advance for your diligent consideration.

Sincerely,

James & Linda Redding, Country Meadows Estates
From: Jerome Delvin <Jerome.Delvin@co.benton.wa.us>
Sent: Monday, June 01, 2015 3:25 PM
To: Jim Diecker
Subject: RE: Extension of Ordinance 561

Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Jim Diecker [mailto:jdiecker@frontier.com]
Sent: Monday, June 01, 2015 1:11 PM
To: COMMISSIONERS; Jim Beaver; Jerome Delvin; Shon Small; David Sparks
Cc: Mike Shuttleworth; Planning Department
Subject: Extension of Ordinance 561

Dear Benton County Commission:

Following is a letter written to you by my neighbor, Bill Hughes, to request extension of Ordinance 561. Bill's letter clearly conveys our (James Diecker and Kristin-Linfeldt Diecker) sentiments regarding Ordinance 561, and we strongly support Bill's positions.

I am writing to you today to express my strong support for extending Ordinance 561, banning the commercial growth, processing, and distribution of marijuana in Benton County, Washington. Rather than becoming an industrial marijuana hub, Benton County should remain a wholesome, family-friendly area that attracts those who wish to purchase homes, live, work, play, and raise children here. As Badger Canyon residents, my neighbors and I are particularly concerned about this issue, which I believe can largely be summarized as five key issues:

1. Increased crime — Although both Washington and Colorado have legalized the recreational use of marijuana, it remains illegal under federal law and the laws of nearly every other state in the U.S. One result is a thriving black market across the country and around the world, accompanied by money-laundering, and a host of other illegal activities. We know from the examples of Colorado and areas of Northern California, large-scale medical marijuana operations, that such activity is a powerful magnet for criminals. An increase in burglaries, violent robberies, homicides, and smuggling operations would be a certainty, as would increased federal law enforcement involvement in local municipal and County affairs.

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2.1. Like others around the County, the Badger Canyon community is a growing residential area of new homes, schools, and nearby shopping, which is situated midway between Kennewick and Richland. The public benefit of continuing such residential development should clearly outweigh that of industrial marijuana production in terms of scarce land use, impact on property values, overall economic strength of the County, and the quality of life of its residents. Further, the decline in residential property values resulting from the introduction of nearby commercial marijuana operations would financially devastate existing homeowners and the local housing market, which is still struggling to recover from recession. Therefore, it seems the “highest-use” doctrine would dictate we must avoid dropping the moratorium against commercial marijuana operations at all costs.

3. Public services — The growing Badger Canyon area, like other unincorporated areas in the County, already has limited police and fire protection. Adding commercial marijuana businesses to the mix would overtax available services, especially law enforcement, with no offsetting benefits made available to the County or its citizens.

4. Infrastructure — As in the case with public services above, commercial marijuana operations would drain scarce resources from the public with no offsetting benefit. For example, our existing roads are inadequate to handle the large increase in commercial vehicle traffic likely resulting from a lifting of the existing moratorium. This is especially true in Badger Canyon, where there is only one main thoroughfare, namely Badger Road, and it is only two-lanes wide. Unlike the seasonal nature of local agricultural operations, marijuana production is typically a year-round activity, conducted on a large-scale industrial basis, which means the area would experience a dramatic increase in heavy-vehicle traffic. Also, since there is no city water available in the area, such operations would further strain scarce surface and underground water supplies.

5. Negative County revenue impact — While the State might realize some increase in B&O tax revenues, we know Benton County would receive little or no revenue from the introduction of any potential marijuana industries, and would surrender the opportunity for residential property tax revenues available through continued longer-term, higher-density residential development of any property instead committed to marijuana industries. The loss of revenue would represent a permanent reduction in the long-term economic strength and prospects of Benton County and its citizens.

Thank you for considering this request.

Sincerely,

Jim Diecker and Kristin Linfeldt-Diecker
For 06/01 public hearing

--Marilu

From: Tammy Pattillo [mailto:tammylp6@gmail.com]
Sent: Monday, June 01, 2015 2:37 PM
To: COMMISSIONERS
Subject: Against I-502 Marijuana grow businesses in Benton County

Hello,

I am not able to attend the meeting concerning the growing of Marijuana in Benton County on June 2, 2015. I am a homeowner in Benton County and am against allowing marijuana growth in our county. If we allow Marijuana growth businesses to proceed in our county, there will be an increase in crime and the value of our neighborhoods will be affected. Our families and children will be at greater risk for danger and harm to come to them, and the schools we have in Benton County will be at greater risk of crime, and danger coming to the children who attend those schools. Please do not allow these business to develop in Benton County. Thank you.

Tammy Pattillo
Benton County Homeowner
Thank you for your e-mail regarding the marijuana issues within RL 5 zoned lands. I look forward to the hearing tomorrow and the Board continuing to address the issues raised. I value the concerns expressed by yourself and others.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

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From: Steve Proctor [mailto:steve@sunsetonions.com]
Sent: Monday, June 01, 2015 2:37 PM
To: Shon Small; Jerome Delvin; Jim Beaver
Subject: Marijuana hearing

Tomorrow is sure to be a key event for you to receive input from the residents of Benton County as you consider how to handle marijuana grow restrictions. It is a pretty safe bet that there will be people brought in from the West side to support expanding the marijuana business but it is so important to reinforce that this decision must represent strictly the majority of the citizens of our county. As citizens here we are the people you answer to. You will be presented with any number of ideas and suggestions but please remember this county overwhelmingly defeated I-502. Each of you received a great deal of support from the business and agricultural interests in this county that are strongly conservative. You have it within your power to stop this insanity with very tough restrictions so that no marijuana can be grown or processed outside of an industrial zone where there are no houses, schools, churches, or at risk communities. We do not need anything that leads to any further moral decline in our society.

It is not even remotely reasonable that King and Snohomish Counties should have any input or influence in the decisions that are made regarding these grow operations in Benton County. If the information we have is correct it is even more ludicrous that the counties get no share of the tax proceeds generated from the production and sale of this drug. However the State will place the burden and cost of increased law enforcement for the crimes that will follow this drug trade on the Counties.

Gentlemen you have it within your power to virtually stop this situation now. The State law passed legalizing pot but the Counties have the power and control to regulate this as they see fit. We do not have to get steam rolled on this issue and we encourage each of you to use this as a platform issue and stand firm against this. If it is so restrictive and costly for any business to consider Benton County as a base of operation then they will move on hopefully outside Eastern Washington. As with most of the East side of our State we are blessed with wonderful family oriented communities to live in and raise our families and we want to preserve that atmosphere. That is exactly why each of you was elected and you will be elevated by standing firm against this.

Stand strong and united in your efforts to block the growth of the drug trade in Benton County.

Steve Proctor
Sales and Logistics
steve@sunsetonions.com
(509) 786-3996 Office
(509) 832-8660 Cell
I, Donald Good & Lorna Good residing at 22601 cottonwood springs Blvd. located in rural lands 5 designation support the temporary moratorium on growing marijuana on lands 5, we ask that the commissioner’s pass a permanent moratorium on growing marijuana in county’s rural 5 designation. At minimum, we request that the commissioner’s pass a permanent moratorium in the Cottonwoods Springs development because this is a family oriented neighborhood with school near by.

We ask that our comments be read into the hearing record.
Commissioner Delvin,

My name is Dr. Daniel Smith and I am a pain management physician based in Kennewick. I also happen to own 2.5 acres of land near Cottonwood Elementary, where I have planned to build my home for my wife and three children. I was shocked recently when I had heard about plans for marijuana production to occur ACROSS THE STREET from my children's elementary. This cannot happen.

I am aware of other areas in the State who have been dealing with consequences from marijuana growth and processing. I want you to ban marijuana production, processing and retail in Benton County. There are many reasons I have come to this conclusion, but first and foremost I am concerned about the safety of my family, the local children and my community. As a representative in this matter I need you to take a stand.

Sincerely,

Daniel P.W. Smith, D.O.
Pain Medicine Physician and Owner, Pinnacle Pain Center
Kennewick, WA
From: Andrew Mohlman [mailto:andrewmohlman@hotmail.com]
Sent: Friday, May 29, 2015 12:59 PM
To: COMMISSIONERS
Subject: Against I-502 Marijuana businesses in Benton County

I am a homeowner and business owner in Benton County - as such, I will be unable to attend the next commissioners meeting on June 2nd. However, I wanted to express my strong desire to keep Marijuana grows out of Benton County. Please do not let this infiltrate our county. It's bad enough that recreational marijuana is now legal in our State, but to make our community take the brunt of the impact for growing the drug is not acceptable. The potential for crime and devaluation of property are very real risks. For the health and safety of our county, keep these out of our county, please!

Dr. Andrew T. Mohlman, DDS
A Family Dental Center
8511 W. Clearwater Ave., Suite A
Kennewick, WA 99336
To whom it may concern,

Benton county voters voted NO on the marijuana initiative. We are aware of other areas in the State who have been dealing with consequences from marijuana growth and processing. We want you to ban marijuana production, processing, and retail in Benton County. There are many reasons we've come to this conclusion, but first and foremost we're concerned about the safety of our children and our community. As our representatives in this matter we need you to take a stand. we feel that I-502 business currently disregard local laws. Ultimately we would like to ban or place an indefinite moratorium until the dust settles for all I-502 businesses for all zones, leaving maybe Heavy industrial zones available but nothing else.

Sincerely,

Paul Liniger
101905 e Vaca rd
Kennewick, WA
From: Lori Hayden <lkrhayden@gmail.com>
Sent: Friday, May 29, 2015 12:23 PM
Subject: Please say NO to marijuana in Benton County!!

As our trusted officials...

We voted you in to represent us... so please do what is in the best interest of our county and say no to marijuana here.

We recently become aware of the marijuana situation in our state, and the other areas of the state who are having to deal with negative consequences from marijuana production and processing. PLEASE ban this in Benton County. We are very concerned about the safety of our children and our community. This is a wonderful place to live and let's keep it that way. This issue seems to be money driven, but some things like quality of life are even more important than money. We moved here 13 years ago for the quality of life and hate for that to change or to have to move again.

Please take a stand on this important issue and ban marijuana production and processing here.

Lori and Brian Hayden
Kennewick, WA 99338
Donna Hutchinson

From: Merrill, Kevin <kmerrill@agrinw.com>
Sent: Friday, May 29, 2015 9:38 AM
To: Jim Beaver
Subject: RE: I-502

Jim,

I appreciate your comment and responding to my concern. I do want to make it clear that I do not want to fight state law. The marijuana initiative was passed by the voice of the people, even though you and I opposed it. We do, however, have the responsibility and the right to control what happens in Benton County. It is where our children and Grandchildren now play and will live in the future. We cannot allow these operations in our residential areas such as rural 5. There are other counties making the stand against such operations and I would ask that you and your fellow Commissioners set the standard that we the electorate need you to make in our behalf.

Sincerely, Kevin Merrill

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From: Jim Beaver [mailto:Jim.Beaver@co.benton.wa.us]
Sent: Thursday, May 28, 2015 8:53 PM
To: Merrill, Kevin
Subject: Re: I-502

Kevin, thanks for the E-mail. I often wonder how we fight State Law myself. Commissioner Jim Beaver another family that voted NO!

Sent from my iPhone

On May 28, 2015, at 8:27 AM, Merrill, Kevin <kmerrill@agrinw.com> wrote:

Commissioner,

Benton county voters voted NO on the marijuana initiative. Our vote gave us the false sense of security that the elected Commissioners would take conservative action in implementing marijuana growers, producers, and retailers into our counties landscape. We felt since we voted no, their decisions would reflect our vote, yet Benton County has been ranked as one of the more facilitative counties in our state.

Citizens of our county like all others were busy with our daily activities and we relied upon our elected official to act on our best interest. You still have time.....that is why I am asking you, the Benton County Commissioners, to please place a moratorium on allowing marijuana to be grown in rural 5 zones. Let's get the crop grown in the right areas.

We are aware of other areas in the State who have been dealing with consequences from marijuana growth and processing. We want you to ban marijuana
production, processing, and retail in Benton County. There are many reasons we've come to this conclusion, but first and foremost we're concerned about the safety of our children and our community. As our representatives in this matter we need you to take a stand.

Sincerely, Kevin & Linda Merrill
May 28, 2015

Gentlemen:

I encourage you and your fellow commissioners to ban the growing, processing and retailing of marijuana and marijuana products (I-502 business) in Benton County. The City of Kennewick and other counties have successfully banned all of the above and the State Attorney General is in agreement with those actions.

If you do not have the fortitude and foresight to do the above, then please take the necessary precautions to protect the health, safety and welfare of Benton County homeowners and children by not allowing marijuana grow operations, processing operations and retail operations within RL-5 zoned lands, light industrial lands, and interchange commercial lands. These activities belong in heavy industrial areas or distant from suburban sites.

Many Benton County residents, that you have been elected to represent, have built very nice homes and communities within the RL-5 designation. Those homeowners are contributing greatly to the Benton County tax base. It is my belief, if you allow I-502 activities within these zoning designations, it will detrimentally affect home values. I already know of three homeowners that are putting their homes for sale due to the fact they do not want to raise their children in the midst of grow operations and the associated functions.

In addition to owning a home within the RL-5 designation, I also own two small businesses, within the light industrial zoning, that are a major part of my retirement income. I have great concerns that I will lose tenants and retirement income if you allow marijuana operations on Wiser Parkway or Cottonwood Drive.

Please read my comments above into the official records for the June 2, 2015 hearing.

Thank you for your time and consideration.

Sincerely,

Evelyn Cataldo

Evelyn Cataldo
99509 E. Brandon Drive, Kennewick, WA
101904 Wiser Parkway, Kennewick, WA
10814 Cottonwood Dr., Kennewick, WA
Dear Shon,
Thank you for responding back to us emailing. It really helped to boost our moral at this point. We are pretty much overwhelmed with trying to get a pulse on this whole thing. It seems to be changing beneath our feet. We really do understand that it is a moving target.

We wanted you to know we sent 2 emails to you and the other commissioners. One was the letter to the Department of Justice. We realize they receive 1000’s of emails a day and we may not get a response. So, if you have a back line email or a “red phone” so to speak, we would really appreciate it.

The second email was to ask for an extension of a moratorium to include light industrial. We gave all the reasons in our email and we tried to be factual. We also, asked further in the email for a moratorium on all marijuana business and all zones. I included a lot of information about what or who has plans for our community. We knew this might present us as fanatics, but after finding out today there is a bill that is trying to reduce the 1000 foot buffer to a 100 foot buffer, we realize our request is very founded. Wiser Parkway is light industrial and interchange commercial. Interchange commercial is zoned by the current resolution as a place where pot can be retailed. One hundred feet from the school where my son attends and 1000’s of other kids really is not acceptable.

On the west side of the state 4 out of 22 retail stores failed the sting operation which nailed them for selling to minors. This was in the news. I will be glad to send you the link if you would like. But we ask this, Shon, which of your kids would you allow for collateral damage? Not one, and rightly so.

In addition, last year a medical pot farmer open fired on someone trying to steal his pot in Finley. The rules say they can’t use fire arms to protect their crops per DOJ. Rules can be set for these people, but... these are the people who have not obeyed rules in the past. And just because the law says you can’t bare arms to protect the crops doesn’t mean the criminal stealing won’t have arms. All the law enforcement I have read who cared to comment say these places have a bulls eye on their back.

Is there kids roaming Light Industrial? Yes, last night, two adolescents were caught on our surveillance cameras. They first tried our doors, then tried our locks on the ice machine, then proceeded to mess around with the furniture etc. They looked groomed to make us believe they weren’t from the highway. But, that is speculative.

Thank you for hearing us and any input is gratefully received. We don’t want to crucify the commission. We just want to find out how to go about making meaningful full change for the safety of our children.

Thank you,
Dave and Missy Schlotfeldt
PCM 1.10-96

That was an amazing letter. You hit on so many key things that I asked about several years ago. But was pretty much told that we didn't have a choice.

Please feel free to call me anytime at 5095311191. I will call you back if I don't answer. Thank you for your passion and dedication regarding this matter. Know that I am frustrated as well and share your passion. Have a great night and see you folks on the 2nd.

Sent from my iPhone

On May 18, 2015, at 8:52 PM, Dave Schlotfeldt <dave@columbiasunrvresort.com> wrote:

May 18, 2015

To: The Department of Justice

Dear Sir or Madam:

My Questions are concerning the Department of Justice’s Guidelines set out in the Cole Memoranda dated August 29, 2013 concerning legalized marijuana in Washington State. I would be very grateful for your guidance and input.

My personal residence is a house we built at our RV Resort which is located in Light Industrial. I have 3 children, ages 8-15 living at home. This was the appropriate zoning at the time we built our resort. The zoning allows for a processor and grower to locate next to my property. In our resort, we have a commercially made playground, a children’s recreational room, a sports court, a swimming pool and a frisbee golf field. My facility is not a publicly owned facility but a portion my operations are geared toward children, yet my children and the children of my guests are afforded the same 1000 foot buffer as a school or licensed childcare facility. At any point in time, it is possible we might have more children at our resort than at any arcade. Yet state guidelines do not include my business or residence.

In addition, the problem we face in even preventing the possibility of a marijuana business locating next to us is the county by county resolution refuses to consider matters concerning marijuana businesses. "County personnel will not confirm if a particular site is zoned or otherwise acceptable for marijuana-related activity."

The memorandum states the Department of Justice expects State and Local Governments who have authorized marijuana-related conduct to also robustly implement strong and effective regulatory guidelines and show the willingness to enforce their laws.

Marijuana growing, processing and sales have been allowed in Benton County Washington, by the county commissioners by way of Resolution 2014 16.

What are the county’s obligation to regulate the activity? As you can see from the excerpts below of the Resolution, the county is allowing marijuana activity to take place but defers all regulating to the State Liquor Board because the county commissioners do not wish to expose the county or county personnel to legal liability as stated below.

WHEREAS, the voters of Washington State passed initiative 502 in 2012, which allowed for the growing, processing and retail sales of recreational marijuana

WHEREAS, the United States Department of Justice has provided guidance...

WHEREAS, the Benton County Board of Commissioners does not want to expose the County and County personnel to legal and liability issues associated with federal law while still being responsive to state law, NOW THEREFORE.

...marijuana, like other crops, may be grown in the County’s GMA Agricultural, Rural Lands 5, Rural Lands 20, Light Industrial and Heavy Industrial zoning districts.

...retail sales of marijuana products authorized by Initiative 502 may be conducted in the County’s General Commercial, Community Commercial and Interchange Commercial zoning districts.

...These separation standards are administered by the Liquor Control Board. The County will not speculate whether a proposed site meets the distance separation criteria.
County personnel will not confirm if a particular site is zoned or otherwise acceptable for marijuana-related activity. Personnel can, in general terms, confirm whether property can be used for agricultural production, agricultural processing and/or retail sales.

Persons growing, processing and selling marijuana products may be required to obtain building permits if they construct a new structure or remodel existing structures associated with their operation. These will be processed and reviewed just as any other agricultural, industrial or commercial building. The Benton County Planning Department will not maintain copies of any marijuana-related license from the State of Washington.

Does this resolution meet the Department of Justice’s guidance concerning robust regulating? In addition, when the Liquor Control Board issues the county notice of an application for a marijuana license, the county does not comment or give input concerning the licensee or location. There is also no avenue for code violations or the county will not utilize it. In a meeting with the commissioners, I informed them that the state liquor board put weight on their input regarding applicants, and the response from the commissioner was “Only on Paper”. If this is true, who is really regulating this? What do we do about the disconnect with the county and state agency?

Something I believe is unfair but as no means an excuse for the county for not regulating, is very little tax dollars flow down to the local level from the marijuana business activity. The county needs to fund the additional staffing needs in administrative and law enforcement.

The number one priority listed by the Department of Justice guidance is Preventing the Distribution of Marijuana to minors. It states the priorities are in general terms and many merit a variety of conduct that may merit civil or criminal enforcement of the CSA. By example, preventing distribution to minors doesn’t only mean selling directly to a minor but would include trafficking in an area associated with minors. Could you please inform me what conduct would merit intervention by the Department of Justice?

Does an area associated with minors only mean public lands and properties? The Liquor Control Board has required a marijuana business to be 1000 ft from the following areas associated with minors which must have a 1000 ft buffer from any marijuana business.

(a) Elementary or secondary school;
(b) Playground;
(c) Recreation center or facility;
(d) Child care center;
(e) Public park;
(f) Public transit center;
(g) Library; or
(h) Any game arcade

The above list is defined for the most part to mean publicly owned facilities for the exception of arcades and licensed day care.

What is the intent of the priority? Would it be to only prevent distribution to minors while on public land or to protect children from distribution all together? Does the liquor control boards list meet the DOJ’s expectations? Should the list include a residential house or dwelling located in any zoning district, private or residential park or swimming pool, a privately owned swimming pool for public use, a church, a facility where minors vacation, RV parks, hotels or motels where children vacation? I am sure there are many areas that are common to children that are not listed.

Does the 1000 ft rule meet the Department of Justices requirements and fulfill the intent of the priorities?

The Liquor Control Board Allows 3 violations for selling to a minor before a license is revoked. Does this meet the DOJ’s expectations? Shouldn’t a person responsible for a controlled substance be held to a no strike rule? A physician would lose their license if found guilty of selling drugs to a minor. Isn’t it a crime, and not just a violation to sell to a minor?

There is not a license revocation for allowing a minor on the premises or employing a minor, only $1000 fines for each occurrence. Does this meet the Department of Justice Guidelines concerning minors?

Because of the lack of regulation in place from the county, a marijuana farm will be grandfathered in next to a residence which is the home for a 10 year old child. Attached is a picture of the type of marijuana farm applications that are occurring in Rural Land 5. The fence which is supposed to be a security fence is an ODD fence which will eventually breakdown as it is exposed to water.

Currently Rural Land 5 Zoning is under moratorium, but the remaining County Resolution remains the same as above. We are having a Public Hearing about prohibiting marijuana it in Rural Land 5. I would very much appreciate the Department of Justice’s input. I would like to go to this meeting and hopefully giving meaningful input to shape the way our county responds to regulating marijuana business in a responsible manner.

Very Sincerely,
Charlotte Schlottfeldt
is this the guy that was checked and had permits?

Jerome Delvin
Benton County Commissioner

Begin forwarded message:

From: "COMMISSIONERS" <Commissioners@co.benton.wa.us>
To: "Jim Beaver" <Jim.Beaver@co.benton.wa.us>, "Jerome Delvin" <Jerome.Delvin@co.benton.wa.us>, "Shon Small" <Shon.Small@co.benton.wa.us>, "Loretta SmithKelty" <Loretta.SmithKelty@co.benton.wa.us>, "David Sparks" <David.Sparks@co.benton.wa.us>
Cc: "Mike Shuttleworth" <Mike.Shuttleworth@co.benton.wa.us>, "Clark Posey" <Clark.Posey@co.benton.wa.us>
Subject: FW: Moratorium on Pot Growing

I read the article in the Tri-City Herald yesterday regarding the moratorium on pot growing farms. This has been a concern of mine for over a year.

I own property one-half mile off E Badger Road. My neighbor, Jim Crume, 102003 E Badger Rd, Kennewick, WA 99338 was approved for a state grower’s license for a pot farm. Mr. Crume’s property is alongside E Badger Road, which provides the only access to a very busy, growing residential area (Cottonwood Springs, Sunset Meadows). His growing area also is within 100 feet of a school bus stop, and 1.5 miles from Cottonwood Elementary School.

The exhaust fans from his processing shed will blow directly onto the area of the school bus stop.

I have filed a complaint with the State of Washington Liquor/Pot Control Board, however he is within their guidelines, so far. I have also filed a complaint with the Kennewick Irrigation District and the Benton County Sheriff’s Office.
District, and they are aware of his intentions. He has indicated to them, he will not be using KID water.

I don’t think he has received final approval for a grower’s license yet. I also don’t believe Mr. Crume has received an occupancy permit for either his growing or processing sheds. As you can see by the attached photos, his place is an eyesore. I don’t believe this was the intention of the law in allowing such an operation to exist in Benton County.

I would like to see your moratorium applied to this location as well, and strong consideration for not allowing this operation to continue.

Kitty Neill
102031 E Badger Rd
Kennewick, WA 99338
509-539-9694
Email: kittyneill@msn.com
2nd email: kneill@bannerbank.com
Mr. Beaver,

Thank you for listening to mine and others concerns regarding an immediate moratorium and rezoning change to marijuana grow operations in Benton County. I was not able to bring this up in our discussion this morning, but I know that I have sent out over 100 emails to folks that live in West Kennewick and are affected by this R5 zoning and I have heard an overwhelming response that this issue needs immediate attention before more of these operations are approved. Many of these folks were not able to attend the meeting today, but will try and attend your next meeting.

I included the photo of the residence on 102003 E. Badger Rd. (Kennewick) for your reference. You cannot tell from the photo, but there is a nice home directly behind the large greenhouse and unsightly plywood fence. It clearly states on the State Liquor Board’s website that a residence cannot exist on the same property as the growing operation. All this person has done has added an A to his address to look like it is separated and it’s not. It is beyond disturbing to me that these folks can build these structures with very little due process and very little restrictions. This used to be a beautiful Badger Canyon property and now it is an eyesore. Most of the homes you see in the background are $400-600k homes that will soon be $200-300k homes if something is not done soon to prevent these kind of operations thus resulting in huge revenue losses for the county. There are 33 homes on my street alone that will need to be devalued soon. I already spoke with Bill Spencer about this and he is aware of the problem this could cause.

Thank you for all you do and for your time and consideration,

Brenden Kent
30315 S. 959 PRSE
Kennewick, WA 99338
I understand we cannot do anything about the State licensing process but we as citizens of Benton County rely on and trust that you look out for us. That means public safety, protecting the citizens, protecting our property and our way of life, and protecting the very business’s that are our economic life blood for this county.
It is concerning that even without much public comment that a very causal and facilitative decision was made. The potential damage to agriculture here is staggering as well and we will be advising you of that potential impact in the very near future.
We applaud the decision to seek a moratorium and encourage you to decide on an Indefinite delay so as a county we can work to make this a very unfriendly and nearly impossible location to be in the marijuana business which is still a violation of Federal Law. You as a Board of Commissioners have the authority and responsibility to use your maximum powers to enact the most restrictive guidelines possible. The last thing you need as a board in a conservative district is to enable this kind of activity and ruin a quality of life and reputation that generations of hard working citizens have fostered in Benton County.
Thanks again for your time and know that if we can assist in any way possible please contact us. We have to work together to stop this insanity.

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From: Jerome Delvin [mailto:Jerome.Delvin@co.benton.wa.us]
Sent: 05/06/15 11:30 AM
To: Steve Proctor
Subject: RE: Marijuana Grow operations

Thank you for attending. I wasn’t “scared” by a group of prosecutors when I made a decision. I did consider possible lawsuits based on our actions. Also with no public comments offered two years ago I wanted to restrict some aspects of I-502 but not ignore the initiative completely. I don’t support to many of the initiatives filed but we all get stuck with their effects.

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

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From: Steve Proctor [mailto:steve@sunetonions.com]
Sent: Tuesday, May 05, 2015 3:12 PM
To: Jim Beaver; Jerome Delvin; Shon Small; David Sparks
Subject: Marijuana Grow operations

Thank you for allowing me time to comment on the permitting of marijuana grow operations in R 5 Zones. As you know by now this a real hot button issue for Benton County and especially those of us who own and live on rural property in this zoning.
It seemed this morning at the public session that the sole reason the Commissioners voted as they did is they were scared by 25 or 26 prosecutors that spoke at a meeting in Wenatchee. The glaring question that is not addressed is the US Constitution that prohibits any state or other jurisdiction from passing legislation that usurps Federal Law. So if some Prosecutor from the AG’s Office threatens you do not be afraid to invite them to the fight.
Another question that haunts me is why are we so much less restrictive in Benton County than King and Snohomish Counties which are the genesis for I-502? We understand that they rule this State but we should be no less restrictive than the citizens are on the West side. It appears from evidence presented this morning that Benton County is the least restricted of the counties. This is ridiculous and must be stopped.

Gentlemen please pass an immediate indefinite Moratorium until this law and its implementation is reviewed and studied in depth by the commissioners including a citizens committee so we can protect our communities, our families, and our property. That is what you were elected to do and we expect no less.

Again, thank you for your time and efforts.

Steve Proctor
Sales and Logistics
steve@sunsetonions.com
(509) 786-3996 Office
(509) 832-8660 Cell

Sunset
PRODUCE, LLC

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2015.0.5941 / Virus Database: 4342/9710 - Release Date: 05/06/15
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Gentlemen please pass an immediate Indefinite Moratorium until this law and its implementation is reviewed and studied in depth by the commissioners including a citizens committee so we can protect our communities, our families, and our property. That is what you were elected to do and we expect no less.

Again, thank you for your time and efforts.

Steve Proctor
Sales and Logistics
steve@sunsetions.com
(509) 786-3996 Office
(509) 832-8660 Cell
From: Michele Beck <michelepbeck@yahoo.com>
Sent: Monday, May 04, 2015 9:24 PM
To: Jerome Delvin
Subject: Marijuana Farms

We are very alarmed about the permits for marijuana farms in Benton County. Our home is in Cottonwood Creek and we would never have imagined a farm which we understand has not gotten a permit to be in the near area. In our minds it is like building a beautiful home next to a bar which we would not even think of doing. It seems that there is not thought or planning to where these farms can be located. If these farms must exist then they need to be away from residential and school areas and at least be in the proposed rural 20 acres. The pending 61? permits is just unbelievable and a detriment to our county. Dr. Turrell and Michele Beck
Donna Hutchinson

From: Paul Cardelli <paul.cardelli@gmail.com>
Sent: Monday, May 04, 2015 7:33 PM
To: Jerome Delvin
Cc: Jim Beaver; Shon Small; David Sparks; Rude, Skyler
Subject: Re: Marijuana Growing in Benton County

Thank you Commissioner, for your response. The only conflicting information that I find in this response that I can't get my head around:

"Please understand, the state action of licensing under I-502 is not effected by what county action is taken. If the applicants meets the state requirements then a license is issued."

According to the feedback we have received from our district representatives, is that the county does have the ability to respond (Had Benton County not changed their Zoning on February of 2014) within 20 days to the state LCB to voice your denial. According to the LCB website and to I-502 if the grower did not meet zoning requirements at the local level this denial would have been a legitimate reason for the LCB to consider and to reject the license.

So the real issue is to get to the bottom of why Benton County changed the Rural Land 5 Zoning requirements in residential areas last year? What can be done to correct them, or to make them more inline with the residential communities that are currently classified at Rural land 5? Technically speaking most of these properties are really only Rural 1 Lands that are being classified as Rural 5 lands (they are less then 5 acres). Can we expect our Benton County Commissioners to better communicate zoning changes to property owners in the future?

I'm not saying they can't grow marijuana, but zoning is there to protect property owners, if I purchased residential property with zoning that said I was going to be surrounded by residential property then yes having commercial businesses put in next to us is violation of that trust we had with Benton County Planning. This has nothing to do with Marijuana and everything to do with allowing a commercial licensed agriculture business to encroach on Residential zoned property without any public hearing.

Best Regards,

Paul Cardelli
CISSP, C|EH, C|HFI

On Mon, May 4, 2015 at 3:58 PM, Jerome Delvin <Jerome.Delvin@co.benton.wa.us> wrote:

Thank you for your e-mail and expressed concerns about the potential licensed marijuana grow operation located Clodfelter Road. The Benton County Commissioners and staff are working to find a solution to address the issues with residents on Clodfelter.

Please understand, the state action of licensing under I-502 is not effected by what county action is taken. If the applicants meets the state requirements then a license is issued.
Also the counties or cities receive none of the taxes collected by the state.

Again thanks for your comments and I ask for patience while the board works through this

Jerome Delvin, Commissioner
Benton County
(509) 786-5600

From: Paul Cardelli [mailto:paul.cardelli@gmail.com]
Sent: Saturday, May 02, 2015 12:14 AM
To: Jim Beaver; David Sparks; Jerome Delvin; Shon.small@benton.wa.us
Cc: <jill.hedgpeth@frontier.com>; Paul Hedgpeth
Subject: Marijuana Growing in Benton County

A number of my fellow citizens as well of my family feel strongly, that Benton County should take a stance that is more in line with the citizens of Benton County on the legal growing and sale of Marijuana in our area. While the state law may have been passed in Washington State, it does not mean it is the same stance that was taken by Benton County's Citizens.

1. Personally I don't care about the growing of Marijuana, but it should not have any more special consideration then a Hog farm would in a residential rural neighborhood. Rural 5 zoned lands are no place for Commercial farming operations. There are plenty of irrigated agriculture lands where a grower could purchase or lease from larger farm operations. Please reverse the changes made to allow Marijuana farms to grow in our Rural 5 residential areas.

2. We do not appreciate having Farmers come in and violate our land covenants, zoning, and permitting laws. We all have to live by these rules and they should to. If grower can't follow our rules then they should be rejected from our community. Fines do not work unless they are high enough for the type of operation that is being facilitated by the violation.

3. If operations like this go up in our communities, is Benton County ready to protect it's citizens for what comes next? Will you patrol our areas, and keep the riffraff that want the millions in cash and marijuana that are locked away in these locations? Yes that's right these are cash operations.
Marijuana Farms are not a protected class, it is the right of our County and it’s citizens to choose where they can or cannot be grow marijuana. You have the ability to say no, just like so many other counties like ours have said no. We need leaders that stand with their citizens, and have the same values as our citizens. We need leaders in our community that can take action, and we need that action now more then ever.

Please consider these thoughts, It is not too late to say no to the Liquor Control Board. The county has 20 days to deny a license. The state put this responsibility squarely on the local government.

Best Regards,

Paul Cardelli
CISPP, CEH, CHFI
Donna Hutchinson

From: terralfl@charter.net
Sent: Monday, May 04, 2015 6:11 PM
To: Jim Beaver
Subject: Interested in your response

This having been brought to my attention, I would like to know what your opinion is, especially considering this side of the state voted overwhelmingly against allowing the growing of marijuana.

Dear Benton County Commissioners,

There are 62 applications to grow marijuana and 6 active grow sites in Benton County WA.

Do you know how many of these applicants and grow sites are zoned rural lands 5? What is the primary activity on property zoned rural lands 5 in Benton County? I submit that it is overwhelmingly rural residential property.

1) I would like to request the Benton County Planning Commission ask the WA Liquor Control Board for a moratorium issuing grow licenses in our county. This action may or may not be honored by the WA Liquor Control Board but it is in the interest of the citizens and voters of Benton County. This action is formal but is also symbolic that we in Benton County want a say of how a new and relatively unique LAW in the United States is going to be instituted and enacted and lived by the citizens of Benton County WA.

2) I would ask the Benton County Planning Commission to revisit the zoning areas that are acceptable within our county to grow marijuana. I would submit without rural lands 5, we as citizens eliminate the vast majority of potential conflict between citizens, voters, neighbors and families. What is the process we need to start? This is an important question to a harmonious community.

3) I ask and support the Benton County planning commission to remove rural lands 5 from the legally designated areas within our county to grow marijuana.

4) The citizens and voters need clarification as to why the Benton County’s current position is to send the Marijuana Grow applications back to the WA Liquor Control Board without answering the question of whether or not they approve of the applicant? Do you approve of the location? Benton County sends all applications to the appropriate agencies, Benton franklin health district, personal property assessor, Benton county clean air authority, fire marshal, etc. Please explain why this is the position of Benton County. Why would the county choose to be agnostic? And our neighbor Franklin County takes a strong stand, I applaud their efforts to eliminate the conflict from their community.

5) Our neighbors in Franklin County have ZERO applications for growing. Franklin County took a stand for their citizens; I think it is appropriate to ask the Benton County commissioners to stand for our values.

Thank you for your consideration.

I hope that you prayerfully consider these important issues that affect our county, our citizens and our voters.

Paul Hedgpeth
We are not the first to run into this problem.

In Snohomish County (over by Seattle) they had the same issue. Here’s some information if you’d like to see what they did.

Here’s a video of citizens in Snohomish County.

http://snohomishcountywa.gov/2169/Marijuana-Related-Facilities Which states:

What has happened over the past year?
As marijuana-related facilities began to appear around the county, members of the Snohomish County Council started receiving comments from citizens concerned about medical marijuana facilities and the compatibility of state-licensed marijuana production and processing facilities in certain areas of the county.

How did the county council respond?
First, council drafted a proposal that would revise existing regulations for marijuana-related facilities. Council directed the Planning Commission and the Department of Planning and Development Services (PDS) to review, refine, and process this proposal. See below for how to get involved.
Second, council enacted two emergency ordinances which: (1) prohibit new state-licensed marijuana facilities in the Rural 5-Acre (R-5) and Clearview Rural Commercial (CRC) zones, and (2) prohibit new medical marijuana facilities in the CRC zone. Barring further council action to modify or extend them, both emergency ordinances will be in effect through April 1, 2015.
Donna Hutchinson

From: kesorenson1@yahoo.com
Sent: Monday, May 04, 2015 2:31 PM
To: Jim Beaver; Jerome Delvin; Shon Small; David Sparks
Subject: Marijuana

Dear Commissioner,

I am sending this note express my complete displeasure with the possibility of a Marijuana field being planted so close to a residential area and near to schools. Thank you for hearing and listening to my voice on this matter!!! Please place a moritorium on allowing marijuana to be grown in rural 5 zones!!

Sincerely,
Karen Sorenson
Donna Hutchinson

From: Smith, Adam <Adam.SmithDO@trioshealth.org>
Sent: Monday, May 04, 2015 9:00 AM
To: Shon Small
Subject: Stop marijuana growing in rural 5 zones

Commissioner Small,
I live in a rural 5 zone in Benton County and I am a registered voter. Please place a moratorium on allowing marijuana to be grown in rural 5 zones. It affects my property value and I do not want the possible things that go along with that in my area. Let's get the crop grown in the right areas.
Thank you
Adam Smith

Adam SmithDO
Physician, TMG Obstetrics & Gynecology
Trios Health
900 South Auburn Street
Kennewick, WA 99336

Office: 509-221-5910
Fax: 509-221-5120
Email: Adam.SmithDO@trioshealth.org
Web: TriosHealth.org

Confidentiality Note: This e-mail, and any attachment to it, may contain privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.
Dear Benton County Commissioners:

I live in Benton County and although I am right next to the city limits, I still live in the county. I am also a Boy Scout leader and regularly instruct the young men that I work with on the Citizenship in the Community merit badge. One requirement of this merit badge is to help the young men understand who their local and civic leaders are. These young men attend school in Kennewick school district; they shop, socialize and go to church in the City of Kennewick so they often think that they live in Kennewick. They are always amazed when I explain to them that the Kennewick Mayor and City Council can't do much for them because they live in the county. I then take that opportunity to explain to them how the County Commissioners function and why they are the ones we've elected to defend our interests.

Please take this opportunity to implement the will of the vast majority of Benton County residents and place an emergency moratorium on growing marijuana in rural 5 zones. You have no idea what the impact is of these grower operations and you need to implement a plan that requires applicants to pay for an impact analysis of allowing this type of activity in rural 5 zones. In addition, Benton County needs to also develop a specific permitting process that looks at individual impacts for every single permit. How will this affect kids at bus stops, 4H projects, agricultural projects in the neighborhood and overall quality of life. The costs of each individual permit analysis also should be borne by the applicant.

Please contact me via e-mail if you have further questions.

Dan Tano
Monday, May 04, 2015

Dear County Commissioners,

I thank you for your service to our communities. I am thankful for your commitment to keep Benton County a safe place for our families. I hope that you can continue to do so as you make important decisions that not only affect us in our present generation, but will set precedence for future generations.

Our family has an understanding about the meaning of the terms “yes” and “no”. If we as parents give any answer such as “maybe,” “possibly,” or “I am not sure,” our children believe that our answer means “yes.” The only way for our children to believe that we mean “no” is for us to firmly say “NO!”

What does this have to do with our county? The safety of our children is a top priority for the quality of life for us as citizens of Benton County. We need Benton County Commissioners to firmly say "NO" to marijuana to help our county keep an excellent quality of life for the family.

Please work to keep the quality of family life as priorities in the policies of Benton County.

Thank you.

Sincerely, Annette Wendt
Jerome, I would like to let you know that I am not in favor of allowing marijuana to be grown anywhere in Benton county and particularly in the rural residential zone 5. This is still against the federal law. Allowing this to be grown commercially in these rural residential areas will lower property values significantly. I think you should be very conservative in our county and not rush in to something that just may turn around in the very near future. I recommend a 10 year moratorium on growing marijuana in our county. Let’s be conservative. I am very disturbed that our county is considered a very receptive county to permitting these activities. Right now our area depends on federal funding to survive. The wind is shifting nationally to a much more conservative and restrictive budgeting approach. Look for punitive measures for states that are not in line with federal law.

William D and Sandra G Knutson

Sent from my iPad
From: Paul Cardelli <paul.cardelli@gmail.com>
Sent: Saturday, May 02, 2015 12:14 AM
To: Jim Beaver; David Sparks; Jerome Delvin; Shon.small@benton.wa.us
Cc: <jill.hedgpeth@frontier.com>; Paul Hedgpeth
Subject: Marijuana Growing in Benton County

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3. If operations like this go up in our communities, is Benton County ready to protect it's citizens for what comes next? Will you patrol our areas, and keep the riffraff that want the millions in cash and marijuana that are locked away in these locations? Yes that's right these are cash operations.

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Please consider these thoughts, It is not too late to say no to the Liquor Control Board. The county has 20 days to deny a license. The state put this responsibility squarely on the local government.

Best Regards,

Paul Cardelli
CISSP, C|EH, C|HFI
To whom it may concern,

My husband and I (along with many of our friends and neighbors) are concerned about the marijuana grow facilities being built in our area. From what I’m learning there is little regulation, or if there is written regulation, there’s little enforcement when it comes to that regulation. How can someone put in a grow facility without a permit issued and then have no serious consequences? When it comes to the issue of growing marijuana it seems as if no one wants to deal with it - so the choice is apathy. Our county voted no and now we’re handling “legal” grow operations without legal regulations being enforced.

If the law isn’t considered and followed while organizing and building a facility why should it be of concern while that facility is in operation? What safety issues will my community face because of so many grow operations in my area? Will the people buying from these facilities be upstanding citizens who have the respect and safety of others in mind? Will traffic increase due to these customers? Will they be driving safely? Is my family in danger? There are two roads into this area and apparently there are applications for more than 15 facilities. We drive those same roads. The consequences of these facilities going in are unknown at best. I want answers now – not consequences later.

I need you to take my concerns seriously.

Sincerely,
Careina Brooks
The following form was submitted: **Form Name:**
Resident Feedback

**Form Text:**
Please provide your name, address, email address and comments in the spaces provided below. Your comments are encouraged and will become part of the public record. Any information submitted is subject to the public records disclosure law of the State of Washington RCW Chapter 42.17 and all other applicable law that may require the release of the documents to the public.

**Name:** Paul Cardelli
**E-mail** paul.cardelli@gmail.com
**Address:**
**Address:** 24905 South Clodfelter Rd.
**City:** Kennewick
**State:** WA
**Zip:** 99338
**Comments:** CCR, RL-1, and RI-5 Residential lands are no place for commercial marijuana production and processing, especially outdoor operations. This will reduce the value of several surrounding expensive homes, and is not in line with the type of activity that should be conducted in a residential community. This type of activity is better suited for Agricultural Zoned Rural lands. It will be better for the security of the commercial growing operation as well as the residential communities.

Sent from IP Address: 199.184.146.2
Donna Hutchinson

From: Paul Hedgpeth <paul@columbiariverseed.com>
Sent: Saturday, May 02, 2015 7:18 AM
To: Jim Beaver; David Sparks; Jerome Delvin; Shon Small
Subject: additional counties marijuana growing restrictions

Kittitas County

Pages 1-3 Procedural
Page 16 changes to zoning
Page 17 matrix of areas zoned for growing marijuana

Jefferson County


Gentlemen
I implore you to take immediate and emergency action by Benton County to place an immediate moratorium on ANY new marijuana growing facilities in our county. There are multiple examples of our fellow counties that are not allowing this activity in rural lands 5 and moving this activity to more appropriate locations within our counties. Our county needs to act right now. There are 6 grow facilities, we need to stop anymore, revisit the zoning and get it moved outward from our homes and neighborhoods. Benton County has an opportunity to fix this right now, not wait. This is for the protection of your fellow citizens.
It is clear that many of the counties of our state have taken much more proactive positions than Benton County. We need to fix this now. It’s not too late. Let’s get this activity into the areas that are more appropriate.
I appreciate you time and consideration.
Paul and Jill Hedgpeth
Kennewick Wa
Donna Hutchinson

From: Careina Brooks <careinachanelle@hotmail.com>
Sent: Friday, May 01, 2015 5:10 PM
To: Jerome Delvin
Subject: Marijuana Grow Facilities

To whom it may concern,

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