

June 4, 2019

Clark County Planning Commission  
c/o Sonja Wiser, Program Assistant  
Clark County Community Planning  
PO Box 9810  
Vancouver, WA 98666-9810

[sonja.wiser@clark.wa.gov](mailto:sonja.wiser@clark.wa.gov)

Subject: Clark County Proposal to Remove Ban on Marijuana Facilities and Expand Marijuana Facilities into Unincorporated Clark County by Proposed Changes to Clark County Code 40.260.115 for Marijuana Facilities

Dear Ladies and Gentlemen:

We strongly recommend that Clark County continue the present zoning codes shown in Tables 40.210.010-1 – Uses, page 6 through Tables 40.230.085-1 – Uses, page 10, of the Clark County Ordinance 2014-05-07, wherein Marijuana facilities are prohibited from all areas of unincorporated Clark County.

**Clark County proposes to ignore that marijuana is listed as a prohibited drug pursuant to federal law 21 U. S. Code 812 (c).** The federal Controlled Substances Act (CSA) lists marijuana as a Schedule 1 narcotic. Under federal law, marijuana is a Schedule I controlled substance. This means it is classified as having a high potential for abuse, no accepted medical use, and a lack of accepted safety. Healthcare practitioners cannot legally prescribe or dispense Schedule I controlled substances.

**Clark County proposes to fund part of the operation of Clark County government with taxes derived from the sale of marijuana, a Federal Schedule 1 narcotic and an illegal drug under Federal law.**

A majority of Clark County voters voted against the Initiative which allowed marijuana growing, processing, and retail sales in Washington State. The previous Clark County Councilors agreed with the Clark County public majority and enacted a ban on marijuana growing, processing, and retail sales in unincorporated Clark County.

Now it appears some Clark County Councilors want to change the Clark County Codes to allow marijuana growing, processing, and retail sales to spread into much of unincorporated Clark County. It appears the Councilors are planning a political decision, not a decision which benefits our youth and the majority of Clark County residents.

Few residents of Clark County are aware that Clark County could cause marijuana growing, processing, and retail sales to be near our homes, churches, or where we shop.

It appears that **Clark County FAILED** to hold community Open House Meetings in 2019 to inform Clark County residents, especially North county residents, about the marijuana proliferation proposal which greatly affects the residents of Clark County.

A decision on the marijuana proliferation proposal should be postponed until only the citizens of unincorporated Clark County may vote on the proposal or at least until community Open House Meetings and public advertising and notices are made available to all residents of unincorporated Clark County.

**Why is Clark County proposing the expansion of marijuana facilities when there is a surplus of marijuana in Washington and Oregon?**

Please reference enclosed: 1-08-19 - Marijuana in Washington State - Problems with Children & Too Much Supply” AND 3 other news articles on too much marijuana supply in Washington and Oregon.

Marijuana alters and changes the human brain so that the euphoric feelings of marijuana use create the desire to repeat those same feelings with continued marijuana use; thus causing marijuana to become more important than faith or other aspects of life. The goal for those of us who disagree with marijuana use and its proliferation in Clark County is to attempt to protect our children and grandchildren from the evils of marijuana.

It is respectfully suggested that we please choose to do as much as is reasonably possible to protect our children and grandchildren from the evils of marijuana; not harm them as this marijuana proposal could. This is because with more locations selling marijuana, marijuana shall become easier to obtain by immoral adults ~~re-seller~~ re-selling marijuana to minors.

Clark County is proposing to change the permissible uses for the county zoning codes to allow marijuana growing and marijuana Type 1 processing on rural land zoned FR-40 (forest reserve 40 acres) and on AG-20 (agricultural 20 acres). There are many residential homes located on or near lands with these zones with ~~resident~~ residents who DO NOT want marijuana growing and processing near them.

Clark County’s marijuana proposal is contrary to the Growth Management Act. Pursuant to the Growth Management Act and Clark County Code: The purpose of the Forest 40

District is to encourage the conservation of lands which have the physical characteristics that are capable of management for the long term production of commercially significant forest products and other natural resources. The Clark County marijuana proposal is contrary to use of the Forest 40 District lands for the commercial production of timber and forest products.

The purpose of the Agriculture 20 District is to encourage the conservation of lands which have the growing capacity; productivity, soil composition, and surrounding land use to have long-term commercial significance for agriculture and associated resource production. The Clark County marijuana proposal is contrary to use of the Agriculture 20 District lands. ~~for the commercial production of timber and forest products.~~

Clark County is proposing to change the permissible uses for the county zoning codes to allow marijuana retail sales on lands zoned CR-2 (rural commercial), CC (community commercial), and GC (general commercial).

We DO NOT want the proposed changes made to Clark County zoning codes which could allow Marijuana retail stores in a CR-2 Rural Commercial District situated within a Rural Center zone in the below locations:

Brush Prairie: zoned CR-2

Hockinson: zoned CR-2 on eastside of 182<sup>nd</sup> Avenue

Amboy: zoned CR-2

Farger Lake: zoned CR-2

Chelatchie Prairie: zoned CR-2 on 424<sup>th</sup> Street

Dollars Corner: zoned Rural Center with some CR-2 Rural Commercial

Duluth: zoned Rural Center with CR-2 Rural Commercial on both sides of Hwy. 502

Meadow Glade: zoned Rural Center with CR-2 Rural Commercial on Cramer Road near  
senior care facility

AND we DO NOT want marijuana retail facilities in these locations:

Felida: zoned Urban Commercial Hazel Dell, Orchards, and all other areas zoned GC &  
CC Urban Commercial

There are many residential homes located near lands with these zones.

Clark County is proposing to change the permissible uses for the county zoning codes  
to allow marijuana Type 1 and Type 2 processing on lands zoned BP (Business Park).

There are small businesses located in business park zones who do not desire  
marijuana processing nearby.

If Clark County removes the ban on these marijuana facilities and changes the Clark  
County Code as proposed by Clark County Planning Staff to allow placement of these  
marijuana facilities in the areas above described, more citizens of Clark County shall be  
in closer proximity to marijuana growing, processing, and sales. Our children and  
grandchildren shall be able to see these marijuana facilities. If marijuana becomes more  
prevalent, our children and grandchildren will receive the wrong subliminal messages

that marijuana is accepted and readily available. When marijuana facilities are more numerous and therefore in closer proximity to a larger number of teenagers, there shall be more opportunities for teenagers to obtain marijuana by asking a willing adult to purchase marijuana for them.

WE DO NOT want:

Clark County to choose to ignore and violate Federal law and choose to make a political decision rather than one which benefits the majority of the citizens of Clark County.

Clark County to allow display and sale of marijuana paraphernalia.

Clark County to allow for advertising two (2) signs each being 12 feet square at each retail marijuana store and with separate off-site large billboards advertising each retail marijuana store.

Clark County to change the hours of operation for retail marijuana store to be from 8:00 a.m. until **11:00 p.m.**

Clark County to **change the distance marijuana facilities are located from other facilities from 1,000 feet** pursuant to WAC 314-55-050 (10) **to 750 feet** pursuant to WAC 314-55-050 (11) for the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

Recreation center or facility, including the Clark County Events Center;

Child care center; Public park; Public transit center; Library;

Any game arcade where admission is not restricted to persons aged twenty-one (21) or older; or ***Churches and religious facilities***; or Substance use disorder treatment facilities.

Thank You.

Stanley R. Greene  
P.O. Box 227  
Heisson, WA 98622

[alliedincatl@gmail.com](mailto:alliedincatl@gmail.com)



## OREGON, AWASH IN MARIJUANA, TAKES STEPS TO CURB PRODUCTION

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Five years after they legalized recreational marijuana, lawmakers are moving to give the Oregon Liquor Control Commission more leeway to deny new pot-growing licenses based on supply and demand.

Posted: May 30, 2019 2:39 PM

Posted By: Jamie Parfitt

By ANDREW SELSKY Associated Press

SALEM, Ore. (AP) — Oregon is awash in pot, glutted with so much legal weed that if growing were to stop today, it could take more than six years by one estimate to smoke or eat it all.

Cannabis Farmers Continue to Produce More Weed Than the State Can Consume. Without a Market For the Product, Prices Have Been Spiraling Downward.

Now, the state is looking to curb production.

Five years after they legalized recreational marijuana, lawmakers are moving to give the Oregon Liquor Control Commission more leeway to deny new pot-growing licenses based on supply and demand.

The bill, which passed the Senate and is now before the House, is aimed not just at reducing the huge surplus but at preventing diversion of unsold legal marijuana into the black market and forestalling a crackdown by federal prosecutors.

"The harsh reality is we have too much product on the market," said Democratic Gov. Kate Brown, who intends to sign the bill if it wins final passage as expected.

Supply is running twice as high as demand, meaning that the surplus from last year's harvest alone could amount to roughly 2.3 million pounds of marijuana, by the liquor commission's figures. That's the equivalent of over 1 billion joints.

Oregon has one of the highest such imbalances among the 10 states that have legalized recreational marijuana since 2012, in part because it had a big head start in the weed business.

With its moist climate and rich soil, Oregon has a long history of pot growing. When it became legal, many outlaw growers went legitimate, and others jumped into the business, too.

They are now all cultivating weed in a multitude of fields, greenhouses and converted factories, with 1,123 active producer licenses issued by the OLLC over the past three years.

The legislation could be a lifeline to some cannabis businesses that are being squeezed by market forces.

Retail prices in Oregon for legal pot have plummeted from more than \$10 per gram in October 2016 to less than \$5 last December. At the same time, smaller marijuana businesses are feeling competition from bigger, richer players, some from out of state.

Officials worry that some license holders will become so desperate they will divert their product into the black market rather than see it go unsold.

"We're a very young industry," said Margo Lucas, a marijuana grower and vendor in the Willamette Valley who is hoping the measure will give her business breathing room.

She noted that growers can't seek federal bankruptcy protection — pot is still illegal under federal law, and banks avoid the industry — and that many owners have taken out personal loans to finance their businesses.

"So when we go out of business, we're going to go down hard," Lucas said. "Many of us will lose our homes. ... You're going to have a lot of entrepreneurs in this state that are pretty unhappy with the way that this ends if we don't get some support with this bill."

Opponents say the proposed law will drive growers who are denied licenses into the illegal market, if they're not there already.

"This current track seems like a giant step backwards toward prohibition, which has always been a disaster," Blake Runckel, of Portland, told lawmakers in written testimony.

As of January, Oregon's recreational pot market had an estimated 6½ years' worth of supply, according to an OLCC study .

To prevent excess pot that is still in leaf form from spoiling, processors are converting some into concentrates and edible products, which have longer shelf life, OLCC spokesman Mark Pettinger said.

U.S. Justice Department officials have said they won't interfere in states' legal marijuana businesses as long as the pot isn't smuggled into other states and other standards are met. Oregon officials want to let federal authorities know they're doing everything they can to accomplish that.

The bill to curtail production could "keep the feds off our back," Rob Bovett, legal counsel for the Association of Oregon Counties, told lawmakers.

Oregon puts no cap on the number of licenses that can be issued. Last June, the OLCC stopped accepting applications so it could process a months' long backlog. But under current law, it has no specific authority to say no to otherwise qualified applicants, Pettinger said.

The longer-term hope is that the federal government will allow interstate commerce of marijuana, which would provide a major outlet for Oregon's renowned cannabis.

"We will kind of be like what bourbon is to Kentucky," said state Sen. Floyd Prozanski.

# Oregon Is Producing Twice As Much Cannabis As People Are Using

by **Kristian Foden-Vencil** Follow OPB Jan. 31, 2019 noon | Updated: Jan. 31, 2019 4:14 p.m. | Portland, Ore.

Oregon is producing twice as much cannabis as people are using, according to a new study from the Oregon Liquor Control Commission. And Oregon has been overproducing marijuana for a while — leaving more than six years' worth of supply sitting on shelves and at farms.

On top of that, the Oregon secretary of state's office [just released an audit saying Oregon's system for regulating marijuana needs to be strengthened.](#)



Inventory of supply of THC, the active ingredient of marijuana, by month.

Oregon Liquor Control Commission

The oversupply of cannabis has driven down prices. Since recreational cannabis was legalized three years ago, prices have dropped from \$10 a gram to less than \$5 a gram.

That may be good for consumers, but the worry is weak regulations plus a massive oversupply will fuel the black market.

Imagine the farmer who spent all year growing her crop, only to learn it's not worth much. That is, it's not worth much in Oregon. There's a big temptation to put the oversupply in the back of a truck, drive south to California or east to Idaho, and sell it to someone on a street corner.

But the federal government has made it very clear that a thriving black market and illegal exports are likely to lead to a federal crackdown.

The Trump administration has rescinded [earlier guidance from 2013 that directed prosecutors not to prioritize federal enforcement over marijuana laws](#) in states where it had been legalized. [Last May, U.S. Attorney for Oregon Billy Williams committed to reining in](#) the state's cannabis black market. "[M]ake no mistake about it, we're going to do something," Williams said at the time.

The [new OLCC report](#) is the first clear and comprehensive documentation of the state's oversupplied cannabis market.

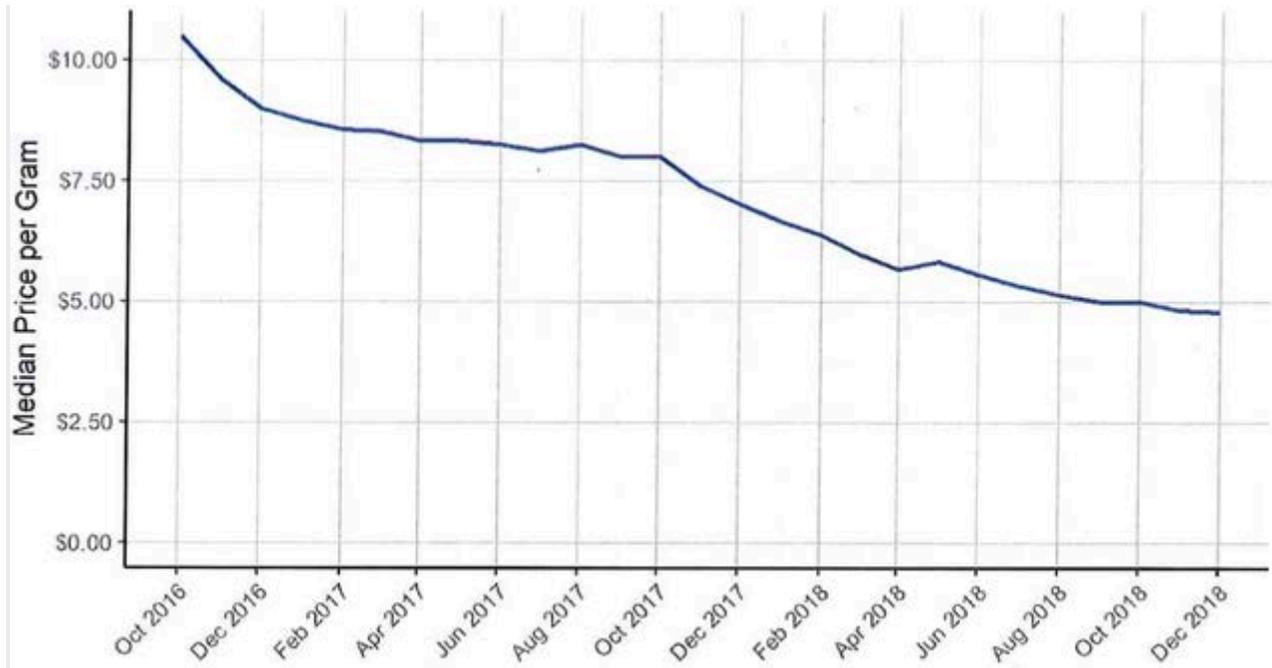
"Preventing diversion is imperative to ensure federal authorities maintain confidence in Oregon's ability to adequately regulate the use and sale of marijuana," said Secretary of State Dennis Richardson.

The OLCC report is required by Oregon law and is meant to inform lawmakers about the health of the recreational cannabis industry.

In its new study on marijuana supply and demand, the OLCC puts forward four possible policy ideas on how lawmakers could respond to the oversupply. The first is to not do anything. The "creative destruction" of a normal market will take over. Many businesses will fail, others will consolidate and, eventually, the market will find an equilibrium between supply and demand.

The U.S. Bureau of Labor estimates 40 percent of all businesses fail within the first four years. Oregon's marijuana market is three years old.

The main problem with maintaining the status quo, is that more inspectors are needed to make sure the oversupply of marijuana doesn't get funneled into the black market.



Graph showing the median retail price of usable marijuana per gram.

Oregon Liquor Control Commission

The three other policy suggestions included in the new OLCC report would require some action from legislators — but they have also have pros and cons.

The first idea is to limit canopy sizes. That means restricting the amount of cannabis each license holder can grow. The trouble with that is, farmers could simply buy more licenses and grow more cannabis.

The second suggestion is to increase license fees. The problem with that idea is that up to now, license fees have been such a small part of costs, that to make a big difference, the fees would have to increase a great deal.

Last, OLCC suggests capping the number of licenses or continuing the current moratorium on granting licenses. But that could put the OLCC in the position of picking winners and losers, which is not something agency leaders can be nervous about.

But OLCC executive director Steve Marks said they already do something similar with liquor licenses, but he wants to leave the decision up to lawmakers.

“It would be an interesting place for an agency to be at,” said Marks. “Certainly, if the Legislature wants to make those choices, that would be helpful, because then we could just implement them. But I think because of the need to move fast, that it could fall to us.”

The OLCC report comes on the heels of a marijuana inspection audit, released by Richardson on Wednesday.

It found marijuana inspectors are spread extremely thin. Only 3 percent of retailers have had compliance inspections and only one-third of growers.

“As the market is still developing, agency tracking of Oregon’s marijuana supply and inspections is lacking,” said Richardson. “This increases the risk that marijuana businesses in Oregon will find themselves subject to federal scrutiny.”

In addition to the recreational market, the secretary of state’s audit also looked at oversight of medical marijuana. It found government agencies don’t have the authority to put sufficient controls on medical marijuana — such as the “seed-to-sale” tracking or surveillance cameras, at recreational businesses.

The audit also found most medical marijuana isn’t required to be tested. And even when it is tested, the state doesn’t have a good mechanism to verify results.

Advocates are watching Oregon’s cannabis industry closely. The Virginia-based Smart Approaches To Marijuana group promptly issued a statement saying “Oregon Utterly Fails to Regulate The Marijuana Market.”

But local market watchers say Oregon set up marijuana sales intentionally to encourage lots of small businesses. The model was Oregon’s [thriving craft brewing businesses](#). Only, now that cannabis businesses are up and going, they’re victims of their own success.

The OLCC report is clear: There’s just too much cheap marijuana in the state.

# What's next for cannabis in Washington? State regulators see plenty of work ahead

BY KIP HILL *SPOKESMAN-REVIEW*

JANUARY 08, 2019 07:11 PM, UPDATED JANUARY 08, 2019 08:20 PM

Nearly five years on, regulators of Washington State's legal marijuana industry say there's more work to be done on keeping pot out of the hands of children and assisting growers facing falling revenues due to a glut of product.

"We need to be well-positioned for an eventual national legalization, and what does that require," said Jane Rushford, who chairs the three-member policy-making arm of the Liquor and Cannabis Board, in an interview Monday recorded for The Spokesman-Review's Newsmakers podcast. "How do we get really smart about doing the things we can do now?"

Representatives of the state's Liquor and Cannabis Board will meet at Spokane City Hall on Wednesday to consider changes to rules governing the labeling and visual appeal of cannabis products, just one of many regulatory issues that have cropped up in the now multibillion dollar industry. That includes candies, cookies and other sweets that board members had originally considered to remove from shelves beginning in April, but producers and processors are now being given an additional year to comply with new rules that prohibit the sale of marijuana edibles that "are brightly colored" or look similar to products marketed toward children.

The board was initially prompted to act after complaints from "members of the public, folks in the prevention community," said Rick Garza, agency director of the Liquor and Cannabis Board. Both he and Rushford acknowledged that state laws prohibit minors from entering retail marijuana stores. But passing the rule would limit exposure to the drug in the home, Rushford said.

"Any product that has THC, the adult consumer should protect youth and children from that," she said, referring to the psychoactive element in marijuana. "If you look at a cookie, how does a child distinguish a marijuana-infused cookie from a regular, normal cookie? It becomes that full spectrum, of how do we take all the steps we can?"

Growers have been banding together to counter local air pollution regulations that took effect last year, arguing that the continued plummeting price of marijuana sold wholesale to processors and retailers is limiting their ability to cover the additional regulatory cost of doing business. In late December, industry analysts at Cannabis Benchmarks, an analytic firm based in Connecticut, reported wholesale prices had continued to tumble throughout 2018, raising “the question of where the market’s bottom might lie.”

Garza said the growing pains the industry is going through can be linked back to the same phenomenon that occurred in the 1970s when Washington’s wineries were beholden to distributors rather than being able to sell their product directly. State laws prohibit Washington’s marijuana producers from also holding a retail license in a process known as “vertical integration,” a holdover from state laws governing liquor production and sale after alcohol sales were banned in the United States in the early 20th century.

“That has created, probably if there was a fault in that initiative, was not allowing for the vertical integration,” Garza said.

Other states that have legalized the sale of marijuana, notably Colorado, have allowed marijuana producers and processors to also obtain retail licenses.

Another area where Washington differs from other states permitting cannabis sales is in the testing of flower for pesticides. At least one private retailer in Seattle has begun testing products on their shelves for prohibited substances, in the absence of a state law or rule mandating such tests. Washington-grown pot is tested for bacteria and other potentially contaminating substances.

Garza said the board would consider mandatory pesticide testing soon. The hold-up has been the absence of data to indicate what levels of certain substances are safe, as the drug’s classification as illegal under federal law has limited research opportunities.

“When you take action against a licensee for pesticide use, remember that you’re going to have to go to court, or you’re going to have to go before a judge, and you’re going to have to prove that these action levels that you’ve placed into rule are acceptable,” he said. “And how are you going to do that?”

**From:** [Daniel Hervi w/ CRS](#)  
**To:** [Wiser, Sonja](#); [Messinger, Rebecca](#)  
**Subject:** Yes or No  
**Date:** Tuesday, June 04, 2019 1:14:14 PM

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**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please, do not lift the ban on urban/incorporated Clark County Marijuana facilities. We support all the work you all have done to this time and understand your voice makes the final decisions.

We are a local business in Battle Ground who understand basic economics and the free market. We also understand the governments role in standing up for the safety and wellbeing of the people where money would otherwise rule decisions. We know there are good arguments on both sides of this issue. Please respect our request to keep the ban in place. If needs are to acquire funds, let us work together to find other ways to get them. Again, we appreciate all that is being done by all of you.

Thank You.

Daniel Hervi w/ Construction Repair Services  
(360) 601-9355

919 SE Grace Ave  
Battle Ground, WA, 98604

**From:** [kehervi](#)  
**To:** [Wiser, Sonja](#)  
**Subject:** Opposed to Growing Marijuana  
**Date:** Friday, May 31, 2019 9:00:37 AM

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**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sonja,

Please take in consideration, the safety of our children and other people's children. We live close to Weyerhaeser land and as a family we enjoy hiking as well as many other families do.

My understanding is if this were to pass, people could grow marijuana on Weyerhaeser land or even our close neighbors.

In the end if it passes, we will be spending a lot more money on rehabilitation and other treatments. Let us weigh the heavy burden to our families if this were to come to pass.

Thank you for taking my families concerns into consideration.

Kari Elaine Hervi

(360)624-5535

36613 NE Thompson Rd Yacolt WA 98675

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone