

**KITTITAS COUNTY  
BOARD OF COMMISSIONERS  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**FRIDAY**

**10:00 A.M.**

**FEBRUARY 7, 2014**

Board members present: Chairman Paul Jewell; Vice-Chairman Gary Berndt and Commissioner Obie O'Brien.

Others: Julie Kjorsvik, Clerk of the Board; Robin Read, Public Health Administrator; Darren Higashiyama, Operations Commander; Holly Myers, Environmental Health Supervisor; Brenda Larsen, Fire Marshal; Jeff Watson, Staff Planner; Lindsey Ozbolt, Staff Planner; William Holmes, Probation Services Director; Neil Caulkins, Deputy Prosecutor; Doc Hansen, Planning Official and approximately 30 members of the public.

**SPECIAL MEETING**

**I-502**

**COMMISSIONERS**

At 10:00 a.m. Chairman Jewell opened a Special Meeting to discuss potential policy direction with Staff on I-502. He went over rules of the meeting and noted it was not a public hearing, but rather a work session.

Doc Hansen, Planning Official summarized the history and presented the Board with proposed language which would allow for the processing and production of marijuana within certain zones. He explained the State's security requirements.

Chairman Jewell reviewed the proposed language and noted another alternative for the Board to consider would be the opinion from the Attorney General's office that would allow the County to do whatever they'd like including a ban.

Mr. Hansen said there were approximately 30 licenses that had been applied for the production/processing of marijuana within Kittitas County and approximately 85% of them were located in the Ag-20 zones. He noted that greenhouses do not currently require a building permit however, if there is a cement wall or something similar it would require obtaining one.

Commissioner O'Brien said he has received quite a bit of correspondence from citizens about the issue, and the County has very little authority over it because the State's requirement of

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preserving the rural character relating to the Growth Management Act.

Chairman Jewell suggested looking at limiting it to indoor growing for those places located within the Ag-5 zones.

Neil Caulkins, Deputy Prosecutor, provided an overview of the Attorney General's opinion and how the regulation leaves it open to municipalities to ban it, but reminded the Board it was not a Court decision.

Chairman Jewell said there were several bills in the Legislature to overturn the AG's opinion and that most indications is they will not over rule it.

Darren Higashiyama, Operations Commander said they don't make the laws, only enforce them. The Sheriff's department looks at the addresses listed on applications that are made to the State and they have found that most of the locations are fields. The Board thanked the Sheriff's Department for their timely responses.

Brenda Larsen, Fire Marshal explained closed loop systems and having regulated system in place is no more hazardous than any other hazardous materials.

Holly Meyers, Environmental Health Supervisor said their concerns would be addressed in the pre-application. She said the WAC is clear on how to handle onsite hazardous waste, etc. Their Department would be there on a minimum of an annual basis and involved from the very beginning.

William Holmes, Probation Services Director, said as a Court employee they have concerns with reflections in those they supervise and the potential damages with presence of legalizing marijuana. He reviewed mental health issues and how marijuana has increased in Kittitas County. He noted it is still against Federal Law and by having it legalized it reflects a more relaxed attitude amongst our youth.

Cheryl Chance, representing herself, said there was a proposed area that a well was issued for 5,000 gallons of water per day for domestic use only. She questioned whose water the businesses would use. She noted they would not be allowed to use domestic wells for manufacturing.

Marco Hoffman, said they process approximately 400 pounds of cannabis, per month. The facility they propose to construct would create approximately 150 year-round jobs and would put approximately 5 million dollars into the economy in wages alone. He indicated there would be no on site sales and their distribution would be located in Seattle. They have a state of the art greenhouse cultivation, which is air tight and they have the ability to go to a black light deprivation system.

Diane Esmay said she was interested in producing and would like it to be allowed in the light industrial areas. She said they would be in an enclosed area for security, around other businesses, etc.

Attorney Curt Bale said he was representing some of the people who were in favor of processing and producing and felt by putting in a moratorium it would only enhance illegal activity. He explained how it is already legal for people over 21 to have within the limits of the law, and by putting in a moratorium they will be forced to go get it on the black market. He noted how I-502 earmarks funds for education and rehabilitation and the County would be getting money for it.

Eddie Moore said he would like to be able to grow indoors and encouraged the Board to allow it in light industrial zones. He noted how there are warning signage requirements to be placed at the locations.

Michael Graham felt the County should proceed with allowing it to be an agricultural use that is similar to other counties. He said it is highly regulated and Kittitas County would have a highly competitive advantage. There would be significant economic benefits to the community from productions and asked for the Commissioners to respect the right to farm.

Buddy Shivera shared information on the economics that are going on in Denver and how they have discovered that banks cannot accept marijuana accounts. He felt it would result in those places not having a paper trail and no one would be able to find out exactly what's going on. He suggested getting ahold of a banking expert to look into it.

Roger Weaver spoke of land values and how he looked at the history of mint farms, pig farms and windfarms. He indicated placement is key and urged the Board to look at the densities in the areas. He cautioned the Board about allowing it in the Ag-5

zones because of the preexisting densities. He felt if it's legal and placed in the right areas, they need to support property rights.

Greg Lutovsky recommended the Board look at the Ag-20 zones and setbacks, fencing and landscaping. He suggested they review them on a case by case basis.

Katie Duncan said whatever decision is made by the Board, they need to realize that they will be sending a message to the youth.

Trevor Sinfeld spoke of the wellness benefits and medicinal values. He said it was not all about getting high, and urged the Board to consider the wellness aspect of it.

Mr. Hansen described the current proposal and how it would look at creating zoning and a public process with the Planning Commission holding a hearing and forward their recommendations to the Board of County Commissioners.

Mr. Hansen said he spoke with the Department of Commerce and amendments require a 60 day review by the State. He said there was a process that they could expedite it within 10 days so the BOCC could act upon it at that time. If the Board wanted the Planning Commission to hold a hearing they could have it as early as February 26<sup>th</sup>.

Commissioner O'Brien moved to forward the proposal from Staff to the Planning Commission for a hearing and recommendation to the Board of County Commissioners. Commissioner Berndt seconded.

Commissioner O'Brien said if it were a personal decision, he would say no to the issue however, this is not about his personal or moral choice but a legal obligation to represent citizens of Kittitas County. He said his district approved I-502 by a 55% vote in favor of it and the State voted in favor by 56%. He thought the cost of legal expenses to fight the issue would be significantly large. He said the risk to youth is well pointed, but the message has already been there for a long time that drugs are bad.

Commissioner Berndt felt like he was trapped in position that no matter what they do, it's wrong. He said the voters of Washington State sent a message by approving I-502 and all they could do now is look at how they can make it safer for everyone

because it's something that can't be ignored. He noted there were a lot of issues that need to be addressed before anything is finalized.

Chairman Jewell agreed that if it's going to be allowed in Kittitas County, it must be regulated and all the concerns and issues that have been expressed need to be considered. He agreed that the residents of Washington State sent a clear message and that the Attorney General's opinion would most likely be litigated. He felt no matter what they do there will be social costs and they cannot be avoided. He said he would be voting against the motion as he has a lot of concerns.

Motion approved 2-1 (Chairman Jewell opposed the motion).

The meeting was adjourned at 12:45 p.m.

**CLERK OF THE BOARD**

  
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**Julie Kjorsvik**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

  
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**Chairman Paul Jewell**