

**KITTITAS COUNTY  
BOARD OF COMMISSIONERS  
KITTITAS VALLEY EVENT CENTER  
TEANAWAY HALL  
512 NORTH POPLAR STREET  
ELLENSBURG, WASHINGTON**

**MONDAY**

**6:00 P.M.**

**APRIL 7, 2014**

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

Others: Julie Kjorsvik, Clerk of the Board; Gene Dana, Sheriff; Lindsey Ozbolt, Staff Planner; Jeff Watson, Staff Planner; Neil Caulkins, Deputy Prosecutor; Doc Hanson, Planning Official; William Holmes, Probation Services; Robin Read, Public Health Administrator; Dr. Mark Larsen, Public Health Official; Clayton Myers, Undersheriff and approximately 20 members of the public.

**PUBLIC HEARING    CHANGES TITLE 17 AGRICULTURAL ACTIVITIES    CDS**

At 6:00 p.m. Chairman Jewell opened a Public Hearing to consider the Planning Commission recommendations on proposed changes to Title 17 regarding Agricultural activities requiring security.

**JEFF WATSON, STAFF PLANNER** reviewed the history and background relating to Initiative 502 which was approved by the voters of Washington State in November of 2012, decriminalizing the growing, processing, retailing and possession of marijuana. He referenced how the Washington State Liquor Control Board had been charged with the development of regulations, the issuance of licenses and oversight of all associated activities for compliance with the law. He noted the only control the County has is with regulation through zoning. He reviewed proposed changes to the County Code as recommended by the Planning Commission including a minimum lot size for AARS in Rural Areas be established at 10 acres; 100 foot setbacks on all sides of the parcels in Rural Areas and that it not be allowed in Agriculture 5 zoning.

The Board asked questions of Staff and for additional clarification relating to security, screening, conforming/non-conforming lots, appeals, signage requirements and how there were no proposed design or lighting standards. **CHAIRMAN JEWELL** noted a letter the Board received from Attorney Jeff Slothower representing the Kittitas Reclamation District, stating the KRD received notification from the United States Bureau of Reclamation that federal water delivered through the KRD cannot be used to irrigate marijuana which is illegal to grow under federal law. **COMMISSIONER BERNDT** noted how exempt wells were to be used for domestic use only and not to grow marijuana.

At 7:15 p.m. the Board recessed the meeting for 10 minutes.

**APPROVED**  
5-6-14

The Board reconvened the meeting at 7:25 p.m.

**THOSE PRESENT & TESTIFYING:** **CONNIE COLEMAN** said she had been following what has been going on in Colorado and was concerned with how much marijuana was going to other states. She said it is being picked up by State Troopers and the product is clearly marked by the producers. She commented on how the banking systems cannot be used since it's considered a criminal activity according to the federal laws and therefore cash is being kept onsite which is a prime situation for criminal activity. **PAUL ROGERS** questioned the wisdom of allowing it in non-conforming lots. He thought if it is allowed in Kittitas County there would be a large impact to law enforcement and questioned who the "landscape" police would be. **WILLIAM HOLMES, REPRESENTING HIMSELF** referenced the Rocky Mountain High intensity drug area monitoring report. He encouraged the Board to look into possible damages to the environment, as well as concerns relating to electricity, waste, carbon, etc. which is all associated with the production of marijuana. **TJ McDONALD** referenced how the City of Ellensburg will be providing water for indoor grow operations as well as the City of Spokane. He felt the County was not in the business of being water police and questioned why they would want to discourage new tourism dollars. **MIKE GRAHAM, REPRESENTING NATURAL MYSTIC FARMS** explained how the size of operations has been reduced by approximately 75% by the Liquor Control Board since their first meetings with the County Commissioners. He noted how the County could always make additional requirements for additional licenses and hoped for a more positive dialogue in the future. He felt the zoning could be better such as having it as a standard agriculture use and claimed it was no different than growing tomatoes. **SAM HOWARD** said she was a local veterinarian and they had recently purchased a home and was unaware they would be moving in to a place next to where there is a big green fence, lights and noises which have become extremely stressful. She expressed concerns with safety for themselves, animals, their future children, as well as increased traffic, resale of their home in the future and the impacts to law enforcement. **JAY AIMONE** said he owned a security company and organic vegetable business. He said screens represent a security challenge and has unintended consequences. He explained the greenhouse requirements for fences around the perimeter and how there is no required lighting. **CLAYTON MYERS, UNDERSHERIFF** expressed concerns about keeping it out of the hands of our youth as well as illegal drug trafficking. He said he didn't see anything in the regulations or rules that reflect changes and it will end up being the same as alcohol where the youth still seem to be able to get ahold of it. He indicated there is not a lot of financial gain for County and questioned how it would be in the best interest of the community. The County has lost marijuana eradication funding which targets organizations and it seemed to be fairly effective and now there's a belief that there will not be any problems. **ROBIN READ, PUBLIC HEALTH ADMINISTRATOR** said one of their primary concerns was it getting in the hands of our youth. She said they are currently looking into doing something proactive including educating the community, families and kids as well as have additional retailer checks and to develop a program where teens are trained to send messages to the younger peers. She said funding is dedicated to establish the program and hope revenues from marijuana sales will help reinforce the programs. **DR. MARK LARSON, PUBLIC HEALTH OFFICER** referenced Public Health funding and how it's been decreased state wide for prevention services. He expressed concerns with increased access to youth

including alcohol. And although they are looking at additional education programs, it would still come out of general Public Health funding. He would like to see funding specifically dedicated to marijuana. **THERE BEING NO OTHERS IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** addressed some of the specific recommendations from the Planning Commission including a 100 foot setback requirement on all sides. He said the original 100 foot setback was somewhat arbitrary and the International Fire Code requires a 60 foot setback. He was in favor of reducing it to 60 feet because it would be defensible. **NEIL CAULKINS, DEPUTY PROSECUTOR** agreed with statement from the Planning Official relating to the 60 foot buffer requirement as it meets the International Fire Code and gives it more of a solid and defensible position and would have more justification than the 100 foot setback. **COMMISSIONER O'BRIEN** questioned how the Planning Commission came to the recommendation of a 10 acre minimum and how he felt they needed rationale on how they got to the acreage. **CHAIRMAN JEWELL** explained how this was a completely new area for the County and the impacts are unknown at this time. He suggested not needing to get too much into specific rationale and they need to draw the line at some point. **COMMISSIONER BERNDT** said he would feel better leaving it at a 10 acre minimum. He recommended adding a line to the allowed land use matrix in the County Code stating no retail sales of marijuana be allowed in the unincorporated areas. He said he appreciated everyone's patience and this issue has not been easy for him. He agreed with the Undersheriff and Public Health Administrator and how we need to educate our youth. He is a supporter of medical marijuana, but not when dealing with recreational use.

**MR. CAULKINS** explained how there was recent legislation passed relating to regulation for tax purposes and how everything having to do with marijuana is not to be considered "agricultural" activities but rather it needs to be called what it is: "marijuana".

**COMMISSIONER O'BRIEN** said the Board has received a lot of correspondence and he has engaged in conversations on all sides. He was also interested in seeing more of the possible medical benefits of marijuana and hoped it would assist those with medical issues. He said the State decided to approve I-502 and felt although it may be an experiment that could end up going wrong, they are in the situation now and decisions need to be made.

**COMMISSIONER JEWELL** explained how he felt it was being over simplified in the Code and in order for him to consider approving it the document would require a complete rewrite. Although he supported the County using land use and zoning to regulate it, he didn't agree with some of the processes and would like to see tighter controls on signage, lighting, definitions of rural character such as specific building designs and types of fences. He said he would even be in favor of having a stricter process of review and possibly a Conditional Use Permit process in every zone. He was very disappointed in the State Legislature who has refused to act to assure some of the funding would go down to local level where impacts are most felt.

**COMMISSIONER O'BRIEN** moved to approve the proposed regulations relating to the processing, production and retail sales of marijuana in Kittitas County as determined consistent

with the Planning Commission's recommendation; and to add "dark skies" lighting restrictions; disallow retail sales of marijuana in unincorporated areas and to direct Staff to prepare enabling documents. **COMMISSIONER BERNDT** seconded.

**COMMISSIONER O'BRIEN** moved to amend previous motion reducing the Planning Commission's recommendation for setbacks from 100 to 60 feet on all sides.

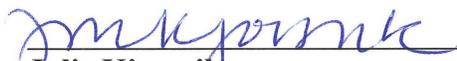
**COMMISSIONER BERNDT** seconded. **CHAIRMAN JEWELL** said he would be voting against it as there are still a lot of unknowns and he would rather provide a greater level of setback and security. Motion carried 2-1 (Chairman Jewell opposed the motion).

**CHAIRMAN JEWELL** reiterated how the County should take a more conservative approach which would require an entire re-write. He understands the position Kittitas County is in and that it's not an easy issue. He reminded everyone to keep an open mind as they move forward as some land uses come to reality and that they should monitor it closely with law enforcement and staff in case of modifications that may need to happen quickly.

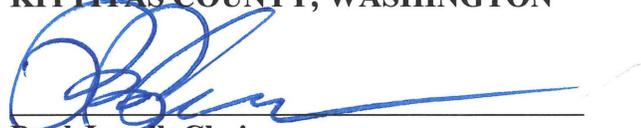
Amended motion carried 2-1 (Commissioner Jewell opposed the motion).

Meeting adjourned 9:23 p.m.

**CLERK OF THE BOARD**

  
Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

  
Paul Jewell, Chairman