

**COMMISSIONERS' MINUTES  
KITITAS COUNTY, WASHINGTON  
AGENDA SESSION  
REGULAR MEETING**

**TUESDAY**

**10:00 A.M.**

**JUNE 3, 2014**

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

Others: Julie Kjorsvik, Clerk of the Board; Jeff Watson, Staff Planner; William Holmes, Probation Services Director; Lindsey Ozbolt, Staff Planner; Jim Goeben, Information Technology Director; Holly Myers, Environmental Health Supervisor; Kirk Holmes, Public Works Director/Interim Building Official; Doc Hansen, Planning Official; Michael Nigrey, Deputy Prosecutor; Erin Moore, Permit Tech.; Bostun Chang, IT Volunteer/Intern and approximately 30 members of the public.

**CALL TO ORDER**

Chairman Jewell called the meeting to order.

**PLEDGE OF ALLEGIANCE**

Chairman Jewell led the Pledge of Allegiance.

**INTRODUCTION OF NEW COUNTY EMPLOYEES**

Jim Goeben, Information Technology Director, introduced Bostun Chang as their new Volunteer/Intern.

Kirk Holmes, Public Works Director/Interim Building Official, introduced Aaron Heyer and Rick Lamphere as their new Equipment Operators.

**PROCLAMATION - NONE**

**AWARDS & RECOGNITIONS - NONE**

**APPROVAL OF AGENDA**

Chairman Jewell noted Consent Item Q had been removed from the Agenda. Commissioner Berndt moved to approve the Agenda, as amended. Commissioner O'Brien seconded. Motion carried 3-0.

**APPROVED**

6-17-14



**AGREEMENT**

**PERMA COLOR U.S.**

**MAINTENANCE**

Approve a Professional Services Agreement between Kittitas County and Perma Color U.S. in the amount of \$3,867.03 for carpet in the Superior Court.

**RESOLUTION 2014-096**

**HELENA SUBSTATION CUP (CU-13-00008)**

**CDS**

Approve Resolution No. 2014-096, for the Helena Substation Conditional use Permit (CU-13-00008), an application submitted by Wayne Weidert, Authorized Agent for the State of Washington (Central Washington University) landowner, for the construction and operation of an electrical substation on a parcel zoned Urban Residential, located approximately 1.5 miles north of downtown Ellensburg at 721 Helena Avenue (Map No. 18-18-25030-0008).

**RESOLUTION 2014-097**

**REDS FLY SHOP CUP (CU-13-00003)**

**CDS**

Approve Resolution No. 2014-097, for the Reds Fly Shop Conditional Use Permit (CU-13-00003), an application from Steve Joyce, Authorized Agent for Jack Eaton, landowner, for the operation of a commercial sporting clay course and potential archery training area on the northern 100 acres of an approximate 306 acre parcel that is zoned Forest & Range, located 12 miles southeast of SR821 (Canyon Hwy) at milepost 13 (Map No. 16-19-33000-0001).

**SET PUBLIC HEARING**

**TITLE 15A ADMINISTRATIVE APPEALS**

**CDS**

Approve Setting a Public Hearing to consider Amendments to Kittitas County Code Title 15A, revising Administrative Appeal Procedure, to be held on Tuesday June 17, 2014 at 2:00 p.m. in the Commissioners Auditorium, Room 109 of the Kittitas County Courthouse 205 West 5<sup>th</sup> Avenue Ellensburg, WA and to authorize the Clerk to publish said notice.

**AMENDMENT**

**WA. STATE MILITARY DEPARTMENT**

**AUDITOR**

Approve Amendment A to Contract No. E14-060 between the Washington State Military Department and Kittitas County for the operation of Wireline and Wireless Enhanced 911.

**REQUEST FOR QUALIFICATIONS**

**PERMIT/FEEES**

**CDS**

Approve a Request for Quotes for a Cost Analysis determination for setting permits/fees for the Community Development Services Department for building and planning, to be accepted until July 15, 2014 at 3:00 p.m. in the Kittitas County Auditor's office 205 West 5<sup>th</sup> Avenue Room 105, Ellensburg, WA and to authorize the Clerk to publish said notice.

Approve Resolution NO. 2014-098, In the Matter of Setting Dates for the 2015 Budget Hearings, to be held on December 1, 2014 at 2:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5<sup>th</sup> Avenue Ellensburg, WA and to authorize the Clerk to publish said notice.

**AGREEMENT**

**DEPARTMENT OF REVENUE - E911**

**AUDITOR**

Approve an Agreement between Kittitas County and the State of Washington Department of Revenue for the administration of County Enhanced 911 Excise Taxes under RCW Chapter 82.14B, effective January 1, 2014.

**AGREEMENT**

**NORTHWEST ASSESSMENT SERVICE, PLLC**

**SHERIFF**

Approve a Professional Services Agreement between Kittitas County and Northwest Assessment Service, PLLC, for conducting psychological evaluations, conduct interviews and applicants for employment or reserve service for the Kittitas County Sheriff's Office, through March 1, 2015.

**AGREEMENT**

**SCHUKNECHTS'S POLYGRAPH SERVICE**

**SHERIFF**

Approve a Professional Services Agreement between Kittitas County and Schuknechts's Polygraph Service, to conduct polygraph examinations, conduct interviews of applicants and prepare and convey reports of the findings to the Kittitas County Sheriff's Office, through March 1, 2015.

**CONTRACT**

**WORK STUDY PROGRAM**

**PROBATION SERVICES**

Approve a Contract between the Washington Student Achievement Council and Kittitas County for the Kittitas County Juvenile Court's Community Service Supervisor position.

**AGREEMENT**

**CENTRAL WASHINGTON UNIVERSITY**

**PROBATION SERVICES**

Approve a Federal Work-Study Program Agreement between Central Washington University and Kittitas County through June 30, 2015.

**FINAL MYLARS**

**F&G PERFORMANCE BASED CLUSTER PLAT**

**CDS**

Approve the Final Mylars for the F&G Performance Based Cluster Plat (LP-08-00019), an application from Cool Water LLC and Fortune Creek LLC, landowners, for a 51-lot Performance Based Cluster Plat on approximately 89.10 acres of land zoned Rural-3, located in the southeast of Woods & Steele Road and Forest Service Road #4510, Cle Elum, WA (Map No. 19-15-07000-0029).

**REQUEST TO APPROVE THE FINAL MYLARS FOR THE ORCUTT PLAT (LP-08-00008) -  
ITEM REMOVED AT THE REQUEST OF CDS**

**CORRESPONDENCE - NONE**

**ADMINISTRATIVE MATTERS - NONE**

**CITIZEN COMMENTS ON NON-AGENDA ITEMS**

John Ufkes, representing Save Our Ag & Rural Spaces, indicated they had obtained approximately 350 signatures on petitions in opposition of Ordinance 2014-004. He said his neighborhood had been put in a position with no notice. He expressed concerns relating to no numerical limit for potential marijuana factories.

Ralph Gratz asked the Board to repeal Ordinance No. 2014-004. He said there are appropriate uses in Ag-20 zones, but it is not for the growing of marijuana. He felt the County should study the issue, similar as to what was done when there were proposed wind farms in the area. He submitted photos into the record of the proposed facility.

Joanne Dyk urged the Board to re-think the zoning Ordinance recently passed. She said Kittitas County voted against legalizing marijuana and expressed concerns relating to affects to the timothy hay crop in the valley; a potential for increased crime and for the safety of children.

Ralph Bullock urged the County Commissioners to reconsider Ordinance No. 2014-004, and to put in a moratorium. He felt the County had been moving quicker than what they should be on the issue.

Chrystal Larimer presented the Board with a map of her neighborhood near Carroll Road. She indicated there were several homes located within 1,000 feet of the proposed marijuana producing facility. She said there are dozens of children who live near there and if it goes in, they would have a very difficult time selling their homes as the property values will also decrease due to concerns relating to theft, crime and violence.

Patti Cline reviewed impacts to having a marijuana producer/processor located within a ½ mile from their home and questioned if the County Commissioners would want one located near their home.

Richard Wilkins asked if the growers should have to put up a bond to protect the valley. He expressed concerns relating to the odor of marijuana during the processing stages and submitted information into the record. He felt outdoor grows should be prohibited as there are concerns relating to airborne contamination to the hay crop.

Well Bartsma expressed concerns relating to the production of marijuana and how it could ruin the Timothy Hay crop in the valley.

Kaz Murata asked how it could be legal when the Federal government doesn't approve of it. He said banks won't let marijuana operations to open an account and therefore every transaction will be cash including how employees are paid. He thought it would be extremely dangerous to keep millions of dollars in cash next to homes and therefore it will attract criminals into the areas.

Julie Ufkes felt thought what the County had done was improper zoning and that there would be over 50 neighborhoods affected by the production and processing of marijuana. She urged the Board of Commissioners to keep the production and processing of marijuana out of the agricultural and rural zones.

Karen Kratz asked what the rush was for the County to have approved the change and urged them to slow down and allow for further review.

Susan Waddle said although she voted yes on the law, she was concerned with how it's going in the County. She thought the County should look at Colorado and see what's happening there and learn from them. She expressed concerns relating to pesticides and urged the Board to slow down and reconsider their recent decision.

Bob Ota felt it was a complex issue and that the production, processing, and distribution was very different than what was on the face of the law that had been voted on by the citizens of the State of Washington. He thought the County should put the Ordinance on hold and open it back up for additional studies.

Commissioner O'Brien explained how it had not been a rushed decision by the Board and that the issue had been worked on for over a year, including several Public Hearings by the Planning Commission and County Commissioners. He thought the issue relating to hay contamination was a perception and how there has been marijuana growing in the County for many years, including 6,500 plants taken out by law enforcement last year from an illegal grow operation. He said illegal grows were where the risks are and most applications are for an indoor facility which are tightly controlled. He thought there was a lot of misinformation, and not even half of the applications would make it through the State's process. He said he had personally researched the issue very hard in order to understand the decisions before him. He noted how the State law says it's legal and he wants to protect the County from liability however, if it ends up going to Court the proponents would most likely win which would end up costing the County a lot of money. He reviewed a program he is assisting with through the Public Health Department to help children deal with marijuana in the community, noting it's already

in the schools. He appreciated everyone who came to give remarks and for the opportunity to respond back to their concerns. Commissioner Berndt said he appreciated the words "re-think" and not repeal. He said he has questioned where they went wrong, while noting Commissioner O'Brien's work in researching the issue. Chairman Jewell said there has been a lot of work done and how there would be ongoing dialogue on the subject.

#### **BOARD DISCUSSION/DECISION ITEMS**

#### **CLOSED RECORD MEETING                      VIA KACHESS SHORELINE SETBACK VARIANCE                      CDS**

Lindsey Ozbolt, Staff Planner, reviewed an application from Richard Landen for a Structural Setback Variance (SV-14-0001) with associated JARPA to allow for a remodel and addition to an existing residential structure, including a deck, located on Lot 1, Plat of Kachess I (Recording #393674), Via Kachess Road, Easton, WA (Map No. 21-13-17051-0001). The Shoreline Master Program requires all single family residential development to be at least 100 feet landward of the Ordinary High Water Mark. The proposal is located within the Conservancy Shoreline Designation and the request for a variance to allow the structure to be no closer than approximately 58 feet from the WHWM of Lake Kachess. She said the Hearing Examiner held a hearing and recommended approval of the 3160 Via Kachess Shoreline Setback Variance.

Commissioner Berndt moved to approve the application from Richard Lansen, for a Structural Setback Variance (SV-14-0001), for the 3160 VIA Kachess Shoreline Setback Variance, adopting the Hearing Examiner recommendations, Conditions of Approval, Findings of Fact and Conclusions of Law and to direct Staff to prepare enabling documents. Commissioner O'Brien seconded.

#### **CLAIM FOR DAMAGES    BAILEY - DENIED    PROSECUTOR**

Commissioner Berndt moved to deny the Claim for Damages filed by Lyle and Teresa Bailey with the Kittitas County Auditor's office on April 2, 2014, as recommended by the Prosecutors office. Commissioner O'Brien seconded. Motion carried 3-0.

#### **EXECUTIVE SESSION - NONE**

#### **ADJOURNMENT**

Commissioner O'Brien moved to adjourn the meeting at 11:22 a.m. Commissioner Berndt seconded. Motion carried 3-0.

Meeting adjourned at 11:22 a.m.

CLERK OF THE BOARD

  
Julie Kjorsvik

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

  
Paul Jewell, Chairman