

**KITTITAS COUNTY  
BOARD OF COMMISSIONERS  
ARMORY – MAIN HALL  
901 E. 7<sup>TH</sup>  
ELLENSBURG, WASHINGTON**

**TUESDAY**

**6:00 P.M.**

**NOVEMBER 4, 2014**

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

Others: Holly Myers, Environmental Health Supervisor; Erin Moore, Environmental Health Specialist; Doc Hanson, Planning Official; Lindsey Ozbolt, Staff Planner; Jeff Watson, Staff Planner; Kaycee Hathaway, Staff Planner; Stephanie Mifflin, Permit Tech.; Mike Flory, Plans Examiner; Christina Wolman, Staff Planner; Neil Caulkins, Deputy Prosecutor and approximately 150 members of the public.

**PUBLIC HEARING 2014 ANNUAL COMPREHENSIVE PLAN AMENDMENTS CDS**

At 6:00 p.m. Chairman Jewell opened a Public Hearing to consider docketed items for the 2014 Annual Amendments of the Kittitas County Comprehensive Plan.

**DOCKET ITEM 14-12 – PROPOSED CITY OF ROSLYN ANNEXATION: DOC HANSON, PLANNING OFFICIAL** indicated they received a request from the City of Roslyn to annex 2 parcels of property within its City boundaries. He indicated the item was pulled and would be re-examined during the 2017 Comprehensive Plan Update, which was agreed upon by the City and County Staff during re-examination of activities necessary for such a change.

**DOCKET ITEM 14-11 – ANDERSON HAY REZONE REQUEST: LINDSEY OZBOLT, STAFF PLANNER** reviewed a Rezone request from Anderson Hay & Grain (RZ-14-00002) and (CP-14-00001) for a non-project rezone on 6 parcels. She indicated it would change the County's zoning map from Urban Residential to General Industrial and the parcels are within the Ellensburg UGA and located off of Anderson Road and Umptanum Road. Staff also recommended an additional 5 parcels be rezoned from Urban Residential to General Industrial as the parcel adjacent to the north has been determined by the City of Ellensburg to be part of the County's jurisdiction and not within the City Limits. After review and meeting the necessary criteria, Staff recommended approval of the Rezone application with the additional parcels that is also owned by Anderson Hay & Grain. The Planning Commission voted in favor of the request with a vote of 3-1. **DAVID MERRIL, REPRESENTING ANDERSON HAY & GRAIN** concurred with the Staff Report and urged the Board to approve their request. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO DOCKET ITEM 14-11 WAS CLOSED.**

**DOCKET ITEM 14-09 – KITTITAS COUNTY FARM BUREAU – PERMIT PLATTING PROVIDING FOR LARGER LOTS FOR CLUSTER PLATTING IN AG-20 &**

**APPROVED**  
9-1-15

**COMMERCIAL AGRICULTURE ZONES: DOC HANSON, PLANNING OFFICIAL** reviewed a request from the Kittitas County Farm Bureau to amend Kittitas County Code 16.09 to permit platting providing for larger lots for cluster platting in the Agriculture 20 and Commercial Agriculture zones. The proposal was intended to provide owners of existing agriculture lands within the County the ability to divide lands to accommodate agriculture borrowing capacity by permitting land divisions on less productive land that provide greater areas of land that are permitted within the “conservation plats” now permitted by existing Ordinance. The purpose of “Agriculture Plat” is to preserve agriculture while not encouraging development that is not rural in nature. He noted they would be required to meet the density requirements of the zone it is located in.

**JEFF SLOTHOWER, REPRESENTING THE APPLICANT - KITTITAS COUNTY FARM BUREAU** said they were concerned for individual agricultural users not being able to use their land in certain situations such as bringing in next generations. The proposal was to develop another process and tool to divide property/parcels that were not for actual developers. He reviewed their proposed changes to definitions as well as to Chapter 16.09 Conservation Cluster Plat Ordinance.

**THOSE PRESENT & TESTIFYING: MARK CHARLTON, KITTITAS COUNTY FARM BUREAU PRESIDENT** spoke in favor of the proposal and said it had been a long time coming to finally get language for farmers to have some flexibility. **KEVIN ESLINGER** said he was a 5th generation farmer and their farm is currently being operated by his son. He indicated their family is not interested in subdividing their farm, but expressed support of the proposal to allow farmers to have the flexibility for future generations. **BRAD HABERMAN** spoke in favor of the proposal and said he would like to be able to eventually get a home site for his son and allow for flexibility on the ground that is not being used. **KAREN POULSON** read a statement into the record noting how change has been coming to the County quite rapidly between growth and government regulations. She supported the proposed Amendment to add agricultural platting to the County Code, which would allow a well thought out tool for the agriculture community some flexibility when it comes to land use. **WELL BARTSMA** said he was a first generation farmer and has purchased all the land on his own. He felt the proposal was an escape to be able to develop land and sell it off and was not productive but rather counter-productive.

#### **DOCKET ITEM 14-03 – DEPARTMENT OF PUBLIC HEALTH – CHANGES TO LANGUAGE IN COUNTY CODE**

**ERIN MOORE, ENVIRONMENTAL HEALTH SPECIALIST** reviewed the proposed Amendments to Kittitas County Code Chapters 13, 16 and 17 reflecting changes to the text and language for water regulations relating to domestic use only. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO DOCKET ITEM 14-03 WAS CLOSED.**

## **DOCKET ITEM 14-04 – SMALL RESIDENTIAL STRUCTURES**

**MIKE FLORY, PLANS EXAMINER** reviewed the proposed Amendments relating to small residential structures that have become attractive as second homes and sometimes used as primary living quarters. He said Staff feels regulations are needed to insure safety of construction since the current building codes are sometimes applicable only to structures above the size of some of the small homes. He noted by adding the text it would clarify the structures are required to meet building code standards when used as a secondary or primary living units. **DOC HANSON, PLANNING OFFICIAL** answered various questions from the Board relating small residential structures.

**THOSE PRESENT & TESTIFYING: KAZ MURATA** spoke against the proposed Amendment and claimed it would be difficult for the County to expand their territory, not to mention the additional extreme costs to the citizens. **THERE BEING NO ONE ELSE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO DOCKET ITEM 14-04 WAS CLOSED.**

## **DOCKET ITEM 14-05 – FLOOD CONTROL**

**CHRISTINA WOLLMAN, PLANNER III** reviewed the proposed changes to Kittitas County Code Chapter 14.08 to correct minor grammatical errors, clarify requirements necessary to prevent flood damage and to designate Public Works Department as the department to administer regulations intended to prevent unnecessarily high flood insurance rates and provide additional protection from flooding.

**THOSE PRESENT & TESTIFYING: ELIZABETH MILLER** she said as a homeowner she was tired with more rules and regulations as there are enough problems and it won't change the high rates as they currently are. **THERE BEING NO ONE ELSE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO DOCKET ITEM 14-05 WAS CLOSED.**

## **DOCKET ITEM 14-06 – KCC TITLE 15.04 WAC RULE AMENDMENTS**

**LINDSEY OZBOLT, STAFF PLANNER** explained how the proposed Amendments were for language to be consistent with updated WAC Rules (WAC 197-11) that went into effect on May 10, 2014, as well as integrating language to provide greater consistency and clarity. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO DOCKET ITEM 14-06 WAS CLOSED.**

## **DOCKET ITEM 14-07 – KCC TITLE 15A – BINDING SITE PLANS**

**LINDSEY OZBOLT, STAFF PLANNER** reviewed the proposed Amendment to include requiring binding site plans to follow the same type of notice schedule as Short Plats. She said KCC 15A.13 Site Plan Review is proposed to be repealed since it was specifically included in the County Code for use in the Snoqualmie Pass Existing Master Planned Resort designation

which no longer exists as a result of the Amendments to the Plan in order to meet GMA compliance. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO DOCKET ITEM 14-07 WAS CLOSED.**

**DOCKET ITEM 14-10C – NON-MARIJUANA RELATED USE CHANGES/ROCK CRUSHING & ASPHALT**

**DOC HANSEN, PLANNING OFFICIAL** reviewed a proposal for new uses and changes to the Land Use Matrix that would allow agriculture and recreational tourism uses in Resource and Rural Working zones to assist in promoting interest in the County’s agriculture products and recreation industry such as wine, cheese and prepared foods. He indicated they would be sold at approved agriculture related uses in most Rural zones, whether permitted outright or with an administrative conditional use. The sale of fresh agriculture products at a Farm Stand would be possible in all Rural Non-LAMIRD zones, in some cases requiring an administrative conditional or conditional use permit. **LINDSEY OZBOLT, STAFF PLANNER** explained how the changes proposed to the Matrix would also allow public facilities, rock crushing, asphalt/concrete plants, parks and playgrounds and impound/towing yards within certain zone classification and under certain conditions. The proposed language would amend Section KCC 17.08, Definitions, to define what the uses are. **THOSE PRESENT & TESTIFYING: GREG McELROY** and **MARK ZANHLE** spoke against the proposed amendments.

**DOCKET ITEM 14-10D – MARIJUANA PRODUCTION & PROCESSING STANDARDS**

**JEFF WATSON, STAFF PLANNER** reviewed the history and background of the proposal and indicated the Kittitas County Board of Commissioners requested Staff to draft language to reflect changes to Title 17 regarding Marijuana production and processing. He said it would include requiring all Marijuana Grow and Processing operations where allowed in the Rural Working and Resource lands, to obtain a Conditional Use Permit and to take place inside a “rigid frame, fully enclosed, green house or indoor grow facility”; maintain a 60 foot property line setback for all Marijuana Grow and Processing facilities in the Rural Working and Resource Lands; maintain the water budget neutrality requirement with clarified language; maintain the permitted use within the Urban land use Light Industrial zone in fully enclosed facilities with clarified language and to maintain language prohibiting Marijuana retail sales or distribution in all unincorporated areas of Kittitas County. He provided clarification on questions that were asked from the Board.

**THOSE PRESENT & TESTIFYING: DAVID CRANE** provided a written statement opposing mind-altering substances for what is termed as “recreational” use. He reviewed the adverse effects and encouraged the Board of County Commissioners to oppose allowing marijuana in Kittitas County. **BART RAMSAY** urged the Board to vote against the proposed changes and felt it was not the way to manage the process or growing of cannabis in Kittitas County. He said there is a strong opinion by him and others that the cultivation of cannabis is valid and a legal activity which should go through building codes and not the Comprehensive Plan. **DEAN DUBY** indicated the Initiative had the highest voter turnout but did not pass in

Kittitas County with the exception of those in District #3. He said that District #3 is a small portion of Ellensburg and did not want them dictating what District #1 and District #2 does. **SHERI POWERS** said I-502 did not pass in Kittitas County and urged the Board of County Commissioners to vote against allowing the production and processing of marijuana in Kittitas County. **JOHN UFKES** said he previously submitted written information during the October 7, 2014 Planning Commission Hearing. He provided information on how the State Liquor Control Board wants to increase the total marijuana production to 8.5 million square feet; Snohomish County's recent prohibition because of incompatibility with the rural character of lands; marijuana hoop houses and the need for building permits and how I-502 provides no money for local costs. **STEPHANIE McKENDRICK** expressed concerns of how resources are being used with no compensation by the producers and there is no policing of taxation of the property being used. She asked the Board of County Commissioners to protect the permanent, full time residents of Kittitas County. **ELIZABETH MILLER** expressed concerns of residents not having protection who are living in the agricultural communities around the areas of marijuana processing and production. **CYRENA STEFANO** spoke against a ban being placed on outdoor growing. She said cannabis is not considered a noxious weed and therefore cannot get into the production of hay and encouraged the Board of County Commissioners to keep the regulations the way they are as of October 2014. **MIKE GRAHAM** said he was a I-502 producer and explained how productions are bringing in additional revenue to Kittitas County. He urged the Commissioners to not place any additional restrictions on the current regulations. **KAZ MURATA** provided testimony about taxation and how growing marijuana is a risky business and may not be profitable. **KATHY LINDSEY** provided copies of a petition for a ban on the production and processing of marijuana in Kittitas County. **BRIAN CORTEZE, REPRESENTING KITTITAS COUNTY HAY GROWERS & SUPPLIERS** reiterated their opposition to I-502 and claimed there is no benefit for the processing or production of marijuana in Kittitas County. He said most of the money will be going to the State Liquor Control Board and Kittitas County will not receive any benefits. **ANDY PELIQUIN** expressed opposition to allowing the processing and production of marijuana in Kittitas County and that the County Commissioners don't realize the extent of the consequences that can result from their decisions. **PAM PELIQUIN** said there was a processing plant going into 18 feet across from her home and the County should consider the impacts to the surrounding residents. **ALEX COOLEY SOLSTACE** said he had been legally growing cannabis in Washington State for over a decade. He questioned the reasons why the issue was still being discussed. He felt marijuana was an agriculture product (plant) and belongs in agricultural zones and not in the industrial general zones. He urged the County Commissioners to deny the proposed changes. **ZACK DECKER** explained the three types of markets for marijuana (black market, medical market and recreational market) and did not understand why the County wanted to ban the only market that is regulated. **JEDIDIAH HANEY, REPRESENTING "CAUSE" COMMITTEE FOR ADULT USE STANDARDS & ETHICS OF MARIJUANA** said they represent an agricultural based industry. He asked the County Commissioners to stay on the right path and to not change the current language. **JULIE UFKES, SAVE OUR AG & RURAL SPACES** played a video and asked that it be submitted into the record. **TJ McDONALD** encouraged people to support business growth and that the County should not limit agriculture tourism in Kittitas County. He asked the Commissioners to support State law and the Republican Party by bringing business into Kittitas County. **GERRY SANDINO** felt the previous process was not

very well communicated to the public when the County Commissioners previously held meetings relating to the production and processing of marijuana within Kittitas County. He felt the majority of the residents in rural areas do not want cannabis growing in their areas. **JIM HALSTROM** questioned what the benefits would be for the residents of Kittitas County and expressed concerns relating to the lack of water that's already affecting the basin. He said if it's allowed in Kittitas County, crime would be disbursed throughout the areas where law enforcement is least equipped to deal with it. **RALPH BULLOCK** felt the majority of residents in the community opposed the growing and processing of marijuana and encouraged the Commissioners to not allow it. **LAURIE HABERMAN** spoke against allowing the growing and processing of marijuana in Kittitas County and how it has affected values of land. She said she asks kids what they think and they are even against it. **LON CROSSLIN** opposed marijuana and felt it was evil, as well as those who grow it. He felt if it is allowed the Board of County Commissioners will eventually be held accountable at some point in time. **BOB BURKE** spoke in opposition of marijuana. **STEVE ERRINGTON** questioned the sales tax versus excise tax. He asked if the Board was properly serving the residents of Kittitas County by allowing it. **PHIL KENNISON** said he has been a local farmer for over 30 years and said marijuana was not an agriculture product. He said is not mandated to allow it in our County and encouraged the Board to place a moratorium on it.

**THERE WAS A RECORDING ERROR FOR THE REMAINDER OF THE HEARING. THE FOLLOWING PEOPLE TESTIFIED AGAINST THE PROPOSED ITEM 14-10C:**

**SANDY LINDER, DAN KEEVIE, ERIC FLIESCHMAN, MARK ZAHNLE, MARK MERILL, CARLA EIGENAUER, PHYLLIS MARCHEL, DOUGLAS GIBB, BYRON TILTON, BONNIE MITCHEL, WELL BARTSMA, KYLE SHANE, ERIC SORENSON, JENNIFER CONNER, MARILYNN GUISE, HERMAN CORNELIOUS, FRED FADIMER AND GARY REYNOLDS.**

**COMMISSIONER O'BRIEN** moved to continue the Public Hearing to Wednesday November 12, 2014 at 6:00 p.m. in the Armory. **COMMISSIONER BERNDT** seconded. Motion carried 3- 0.

Meeting adjourned at 9:40 p.m.

**CLERK OF THE BOARD**

  
Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

  
Paul Jewell, Chairman