

**KITTITAS COUNTY
BOARD OF COMMISSIONERS
ARMORY – MAIN HALL
901 EAST 7TH AVENUE
ELLENSBURG, WASHINGTON**

WEDNESDAY

6:00 P.M.

NOVEMBER 12, 2014

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

Others: Julie Kjorsvik, Clerk of the Board; Lindsey Ozbolt, Staff Planner; Doc Hansen, Planning Official; Christina Wollman, Staff Planner; Dr. Mark Larson, Public Health Official; Doug D'Hondt, Engineer; Robin Read, Public Health Administrator; Neil Caulkins, Deputy Prosecutor; Kaycee Hathaway, Staff Planner and approximately 25 members of the public.

PUBLIC HEARING

ANNUAL COMP. PLAN AMENDMENTS

CDS

At 6:00 p.m. **CHAIRMAN JEWELL** opened a Public Hearing continued from November 4, 2014 to consider the annual Comprehensive Plan Amendments.

DOCKET ITEM 14-08 – TITLE 16: DOC HANSEN, PLANNING OFFICIAL reviewed Docket Item 14-08 relating to proposed amendments to Kittitas County Code Title 16 which were designed to address four specific elements of the subdivision code including Split Zone Parcels, Adequate Water Supply Determinations, Boundary Line Adjustments, and Administrative Segregations. **THERE BEING NO ONE REQUESTING TO TESTIFY ON DOCKET ITEM 14-08, THE PUBLIC TESTIMONY WAS CLOSED.**

DOCKET ITEM 14-01 - PUBLIC BENEFIT RATING SYSTEM: DOC HANSEN, PLANNING OFFICIAL explained a proposed development of a Public Benefit Rating System (PBRs) for use in assessing property value for determining Current Use Open Space tax reductions. He noted it was not proposed for changing the assessment of Agriculture or Forest Open Space Lands. He said the current criteria were based upon a more of a subjective interpretation. The rating system has been approved by the State and there have been several jurisdictions who have believe it has been working well for them. If approved the property owners would be notified by the Assessor's office, noting they are not vested and given 30 days to reapply and submit their information to the County which is a requirement of the State, and there would only be the one opportunity to pull out of the Open Space option. **THOSE PRESENT & TESTIFYING: MARK ZAHNLE** asked for clarification on the proposed Public Benefit Rating System. **THERE BEING NO OTHERS REQUESTING TO TESTIFY ON DOCKET ITEM 14-01, THE PUBLIC TESTIMONY WAS CLOSED.**

DOCKET ITEM 14-02 – CLEARING & GRADING ORDINANCE: CHRISTINA WOLLMAN, STAFF PLANNER and DOUG D'HONDT, ENGINEER submitted updated draft language for Title 14 the Clearing and Grading Ordinance. **MS. WOLLMAN** indicated the language would provide uniform procedures for clearing and grading in the unincorporated areas

of Kittitas County. She reviewed the allowed activities under the proposal as well as the exemptions. **MR. D'HONDT** explained how the 100 cubic feet number had been taken from Cowlitz County Code after reviewing other jurisdictions and their experience. He indicated a grading permit would be required for a person to use the fill on their own property if it were over 100 cubic feet. **CHAIRMAN JEWELL** said he would like an exemption for all agricultural activities. He did not feel farmers should have to come into get a permit from the Public Works Department in order to plow a field. **COMMISSIONER BERNDT** felt there should be strict criteria included rather than an outright exemption, but would agree to an exemption for plowing fields. **THOSE PRESENT & TESTIFYING: GEORGE SEUBERT** opposed the proposed Ordinance and felt people should not have to obtain a permit to move dirt on their own property. **CARLA EIGENHAUER** questioned how the proposed Ordinance would affect the Kittitas Reclamation District (KRD) and their work. **THERE BEING NO OTHERS REQUESTING TO TESTIFY ON DOCKET ITEM 14-02, THE PUBLIC TESTIMONY WAS CLOSED.**

DOCKET ITEM 14-10A – ZONING AMENDMENTS: DOC HANSEN, PLANNING OFFICIAL explained the proposal was more of a housekeeping type of issue. He said they conducted a linear search of all known and documented Planned Unit Development rezones that had been approved since the early sixties. The table reflected results including The Grove, Ronald Mill Site, Gold Creek, Black Horse and Hyak Skiing Corporation. **THERE BEING NO ONE REQUESTING TO TESTIFY ON DOCKET ITEM 14-10A, THE PUBLIC TESTIMONY WAS CLOSED.**

DOCKET ITEM 14-10D – SIGN CODE: KAYCEE HATHAWAY, STAFF PLANNER reviewed their proposal to replace the existing sign Ordinance with a new code to enhance clarity and uniform administration. She said both public and Staff had a difficult time understanding the current sign code and reviewed proposed revisions and exemptions. **THERE BEING NO ONE REQUESTING TO TESTIFY ON DOCKET ITEM 14-10D, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

DOCKET ITEM 14-10B – TRANSFER OF DEVELOPMENT RIGHTS CODE: **DOC HANSEN, PLANNING OFFICIAL** reviewed a Staff Report and proposed language relating to the Transfer of Development Rights Code. He said the docket item was for consistency with amendments adopted as part of the GMA compliance in 2013 and other clarity amendments. **THERE BEING NO ONE REQUESTING TO TESTIFY ON DOCKET ITEM 14-10B, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

BOARD DELIBERATION:

14-10C – MARIJUANA MATRIX CHANGES: **COMMISSIONER BERNDT** explained how he felt the proposed changes did not provide the level of protection that is needed. **COMMISSIONER O'BRIEN** said when he proposed changes to the Code, he felt outdoor grows should have some sort of "hoop greenhouses" which had been translated by Staff as a ridged greenhouse and that was not his intention. He said it was the State Liquor Control Board's thought in their process as well. He said upon listening to the local hay growers they have since modified their concerns relating to perception of contamination and that any type of covering would address their concerns. **CHAIRMAN JEWELL** said the comments the Board

had received were relating to further restrictions or an outright ban. He questioned if there was a ban put in place, what affect would it be on those already in place. **MR. HANSEN** defined vesting and how they have been asking for site plans for 502 and for the applicant to state what their intent and purposes were. **COMMISSIONER BERNDT** said he looked into impacts to County Staff on the amount of time they were spending relating to the issue of marijuana and found it was equivalent to 2 FTE's per month and how the County doesn't receive any funding for it. **MR. HANSEN** noted the benefits to the County would be in taxes. **DR. MARK LARSON, PUBLIC HEALTH OFFICIAL** commented on the thousands of Staff's hours that are already spent on water and other related issues. **COMMISSIONER BERNDT** said they've seen some of the issues that have been developing since adopting the Code and those have concerned him. He noted how he had looked at neighboring Counties and their various options and thought they should look more into the industrial zones and concentrate processing there. **COMMISSIONER O'BRIEN** asked if the County could implement an additional fee for those applying for processing over and above the building fees. **MR. HANSEN** said they could add an additional fee structure to process. **CHAIRMAN JEWELL** said he would support a total ban on anything further and how Kittitas County had voted against the legalization of marijuana. He expressed concerns relating to water, public health and safety impacts to communities and how the County does not have any revenue or support from the State to help offset dealing with the issues.

COMMISSIONER BERNDT moved to require all marijuana production and processing to take place in the Light and General Industrial zones requiring an Administrative Conditional Use Permit. **CHAIRMAN JEWELL** seconded.

CHAIRMAN JEWELL agreed it made more sense to have them located in those areas where water is not an issue as it would be municipal water and also regulated. He said it was better to put it in smaller, concentrated areas with no compatibility issues as there are in rural areas. He noted he would rather have full ban, but felt the motion was a compromise and creating a more livable situation. **COMMISSIONER O'BRIEN** expressed caution and felt it would be a mistake to place them into the population located with Urban Growth Areas and LAMIRD zones. Motion carried 2-1 (Commissioner O'Brien opposed the motion).

At 8:30 p.m. the Board took a 10 minute recess.

The Public Hearing resumed at 8:42 p.m.

DOCKET ITEM 14-10C – NON-MARIJUANA RELATED USE CHANGES:
COMMISSIONER O'BRIEN moved to approve Docket Item 14-10C as presented by Staff, excluding the rock crushing, asphalt/concrete plants. **COMMISSIONER BERNDT** seconded. Motion carried 3-0.

DOCKET ITEM 14-10A – AMENDMENTS TO ZONING ORDINANCE:
COMMISSIONER BERNDT moved to approve the amendments to the Zoning Ordinance, as presented. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

DOCKET ITEM 14-10B – TRANSFER OF DEVELOPMENT RIGHTS:
COMMISSIONER O'BRIEN moved to approve Docket Item 14-10B, as presented.
COMMISSIONER BERNDT seconded. Motion carried 3-0.

DOCKET ITEM 14-10D – SIGN CODE:

COMMISSIONER O'BRIEN moved to approve Docket Item 14-10D, Sign Code, as presented. COMMISSIONER BERNDT seconded.

CHAIRMAN JEWELL moved to amend the motion to include exemptions relating to decorative signs and identifying signs for farms and ranches. COMMISSIONER BERNDT seconded. Motion carried 3-0.

Original motion as amended approved 3-0.

DOCKET ITEM 14-01 – PUBLIC BENEFIT RATING SYSTEM:

COMMISSIONER BERNDT moved to approve Docket Item 14-01, as presented.
COMMISSIONER O'BRIEN seconded.

CHAIRMAN JEWELL moved to amend the motion to clarify language as directed by the Board. COMMISSIONER BERNDT seconded. Motion carried 3-0.

Original motion as amended approved 3-0.

DOCKET ITEM 14-02 – CREATING A GRADE AND FILL ORDINANCE:

CHAIRMAN JEWELL moved to allow Staff to draft language as discussed by the Board and continue the item for further deliberation to November 18, 2014 at 2:00 p.m.
COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

DOCKET ITEM 14-03 – PUBLIC HEALTH WELL LOCATION LANGUAGE:

COMMISSIONER BERNDT moved to approve Docket Item 14-03, as presented.
COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

DOCKET ITEM 14-04 – SMALL RESIDENTIAL STRUCTURES:

COMMISSIONER BERNDT moved to approve Docket Item 14-04, as presented.
COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

DOCKET ITEM 14-05 – KCC 14.08:

COMMISSIONER O'BRIEN moved to approve Docket Item 14.05, as presented.
COMMISSIONER BERNDT seconded. Motion carried 3-0.

DOCKET ITEM 14-06 – KCC 15.04:

COMMISSIONER O'BRIEN moved to approve Docket Item 14-06, as presented.
COMMISSIONER BERNDT seconded. Motion carried 3-0.

DOCKET ITEM 14-07 – KCC 15A:

COMMISSIONER BERNDT moved to approve Docket Item 14-07, as presented.
COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

DOCKET ITEM 14-08 – SUBDIVISION CODE:

COMMISSIONER O'BRIEN moved to approve Docket Item 14-08, as presented.
COMMISSIONER BERNDT seconded. Motion carried 3-0.

DOCKET ITEM 14-09 – AGRICULTURAL PLATTING:

COMMISSIONER O'BRIEN moved to approve Docket Item 14-09, as presented.
COMMISSIONER BERNDT seconded.

CHAIRMAN JEWELL moved to amend the motion to include language that it be designated as Agricultural Open Space Land. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

Motion approved as amended.

DOCKET ITEM 14-11 – ANDERSON HAY REZONE:

COMMISSIONER O'BRIEN moved to approve Docket Item 14-11, as presented.
COMMISSIONER BERNDT seconded. Motion carried 3-0.

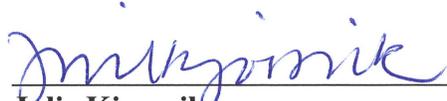
DOCKET ITEM 14-12 – CITY OF ROSLYN ANNEXATION:

Docket Item 14-12 – Proposed City of Roslyn Annexation was withdrawn and action agreed upon by the City and County Staff during re-examination of activities necessary for such a change.

COMMISSIONER BERNDT moved to continue the Public Hearing to Tuesday November 18, 2014 at 2:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue Ellensburg, WA for further deliberation on Docket Item 14-02, noting the record is closed. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

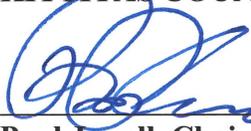
The meeting was adjourned at 9:44 p.m.

CLERK OF THE BOARD



Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Paul Jewell, Chairman