

**COMMISSIONERS' MINUTES  
KITITAS COUNTY, WASHINGTON  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**TUESDAY**

**3:00 P.M.**

**AUGUST 11, 2015**

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

Others: Julie Kjorsvik, Clerk of the Board; Neil Caulkins, Deputy Prosecutor; Doc Hansen, Planning Official/Interim Planning Director and approximately 30 members of the public.

**PUBLIC HEARING**

**ADMINISTRATIVE APPEAL - McDONALD CUP**

**CDS**

At 3:00 p.m. **CHAIRMAN BERNDT** opened an Appeal Hearing continued from July 29, 2015, to consider an administrative appeal of the issuance of a SEPA Mitigated Determination of Non-Significance for the McDonald Conditional Use Permit (CU-14-00005). It was noted additional testimony would only be accepted from the Appellants and Respondents and there will be no further briefing and possible Board deliberation. He reviewed the appeal process, procedures and a brief overview of the prior hearing.

**TJ McDONALD, APPLICANT** provided information on issues that had been raised and were unclear to him. He explained how the Commercial Agriculture Zone is to be for commercial operations and activities. He claimed there is no certified school in the neighborhood that is recognized by the Washington State Superintendent of Public Instruction. The State Liquor and Cannabis Board conducted a thorough investigation including site visits and found no issues and therefore issued a license to them. He felt the appeals that were filed stemmed from people who were against marijuana. He said they are 100% legal and permitted. Mr. McDonald spoke of the issues relating to water and had thought the Community Development Services Department was happy with their water plan, but if they are not, he'd like to be advised so they can get any issues taken care of.

**BECKY McDOWELL, APPELLANT** said the facility was not compatible with the area and should not be used as an experiment. The County has zoned the activity into the Industrial Zone's and that's where it should be done. **JEFF SLOTHOWER, ATTORNEY REPRESENTING THE APPELLANTS** did not feel the issue was about marijuana, but about the conditional use permit criteria and how the application does not fit with it. He indicated the German Baptist school is private, it is listed as a "school" on the County tax roles, GIS Maps, etc.

**COMMISSIONER JEWELL** asked questions and for clarification from Mr. Slothower and Ms. Van Leynseele relating to the definition of a "school" from the Washington State Superintendent of Public Instruction. He felt there was a contradiction between the WAC and the RCW relating to the definition of a school. **NEIL CAULKINS, DEPUTY PROSECUTOR** indicated the Board of County Commissioners was not allowed nor authorized to interpret inconsistencies between RCW's and WAC's. He felt the Board should move forward into their deliberation as all parties have had their opportunity to present their case. **CHAIRMAN BERNDT** said he had not had an opportunity to ask questions. He questioned Mr. Slothower and Mr. Caulkins with regards to "vesting". **COMMISSIONER JEWELL** questioned the mitigation standards relating to water, as well as the SEPA Threshold Determination. **CHAIRMAN BERNDT** closed the record for Board deliberation.

The Board deliberated on the SEPA Mitigation of Non-Significance. There was discussion on whether the application was for just their first phase or additional phases. Ms. Van Leynseele indicated the application was for phase one.

**COMMISSIONER JEWELL** moved to deny the SEPA appeal. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

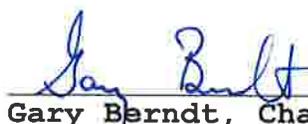
**COMMISSIONER JEWELL** moved to continue the hearing to allow for additional review of the record, to Tuesday August 18, 2015 at 3:30 p.m., noting the record is closed. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

Meeting was adjourned at 5:05 p.m.

**CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

  
Julie Kjossvik

  
Gary Berndt, Chairman