

## Kaycee Hathaway

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**From:** Heather Hazlett <HHazlett@lwbsd.com>  
**Sent:** Wednesday, December 24, 2014 11:26 AM  
**To:** Kaycee Hathaway  
**Cc:** Jeff Slothower  
**Subject:** Supplemental Comment Letter Re Old McDonald's Farm (CU-14-00005)  
**Attachments:** 20141224112244.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello yet again, Kaycee. I attach a supplemental comment letter, the original of which will be delivered to your office on Friday, December 26.

Thank you again!

### **Heather L. Hazlett**

Legal Assistant to Jeff Slothower  
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.  
P.O. Box 1088  
Ellensburg, WA 98926

Phone 509.925.6916

Fax 509.343.3206

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# Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.  
John P. Winbauer  
Susan K. Harrel  
Jeff Slothower  
James T. Denison, Jr.  
Douglas W. Nicholson

Jeff Slothower  
jslothower@lwbsd.com

Tel (509) 925-6916  
Direct Fax (509) 343-3206  
www.lwbsd.com

December 24, 2014

VIA EMAIL AND HAND DELIVERY

Kaycee.Hathaway@Co.Kittitas.Wa.US

Kaycee Hathaway  
Kittitas County Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg, WA 98926

**Re: Supplement to Comment Letter Re CU-14-00005, Old McDonald's Farm**

Dear Ms. Hathaway:

This letter is a supplement my comment letter of even date. In addition to the property owners listed in that letter, I also represent and I submit the current letter and exhibits on behalf of the property owners listed below, who are also opposed to the County approving the above-referenced conditional use. I request that this letter become part of the record of the above-referenced Conditional Use Permit application.

	Name of Property Owner(s)	Street Address of Property	Tax Parcel No.
16.	Brian Lenz	1441 Emerson Rd	500333
17.	Steve Oversby	880 Emerson Rd	14766

Enclosed as Exhibits 1 and 2 are Kittitas County tax parcel summaries of the above-referenced property owners' parcels. Also enclosed is a revised Exhibit A, which has Mr. Lenz and Mr. Oversby's properties highlighted and labeled.

Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



Jeff Slothower

JS:hh

Enclosures

cc: Clients (via email, w/encls.)

# Exhibit 1

## Kittitas County Property Map Information

Parcel Information	
Address:	1441 EMERSON RD ELLENSBURG
Tax Parcel ID	500333
Map Number	17-19-28000-0023
Acres Recorded	4
Owner Name:	LENZ, BRIAN H. ETUX
Name Cont:	N/A
Mailing Address:	1441 EMERSON
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1570
ISO:	0.02
PG:	31

## Exhibit 2

### Kittitas County Property Map Information

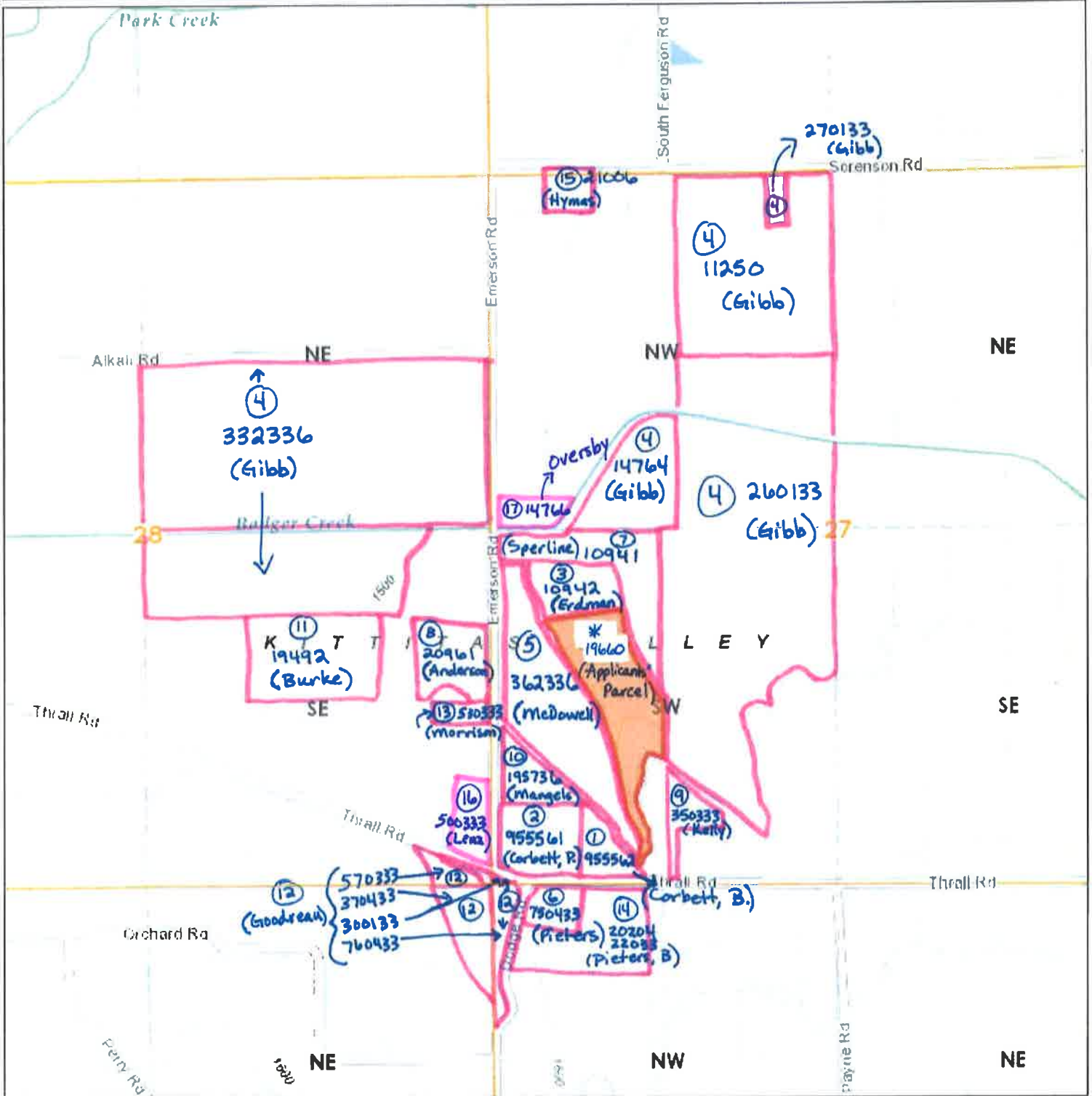
Parcel Information	
Address:	880 EMERSON RD ELLENSBURG
Tax Parcel ID	14766
Map Number	17-19-27000-0026
Acres Recorded	3
Owner Name:	OVERSBY, STEVE ETUX
Name Cont:	N/A
Mailing Address:	880 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 2
FIRM Zone:	ZONE C, 100 YEAR
FEMA Flood Map:	5300950559B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1497
ISO:	0.02
PG:	30



# EXHIBIT A - Kittitas County COMPAS Map



Date: 12/16/2014

1 inch = 1,505 feet  
Relative Scale 1:18,056

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## Kaycee Hathaway

---

**From:** Heather Hazlett <HHazlett@lwhsd.com>  
**Sent:** Wednesday, December 24, 2014 10:31 AM  
**To:** Kaycee Hathaway  
**Cc:** Jeff Slothower  
**Subject:** RE: Comment Letter Re Old McDonald's Farm (CU-14-00005)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello again, Kaycee. I just got back from your office, which I discovered to be closed. Therefore, we will deliver the original on Friday.

Additionally, we discovered a page inserted into our exhibits that did not belong there. Please use this link to the corrected set of exhibits: <https://app.box.com/s/0ew8y9gh20res8ylpu49>

Thank you, and I hope you have a very merry Christmas!

### **Heather L. Hazlett**

Legal Assistant to Jeff Slothower  
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.  
P.O. Box 1088  
Ellensburg, WA 98926

Phone 509.925.6916  
Fax 509.343.3206

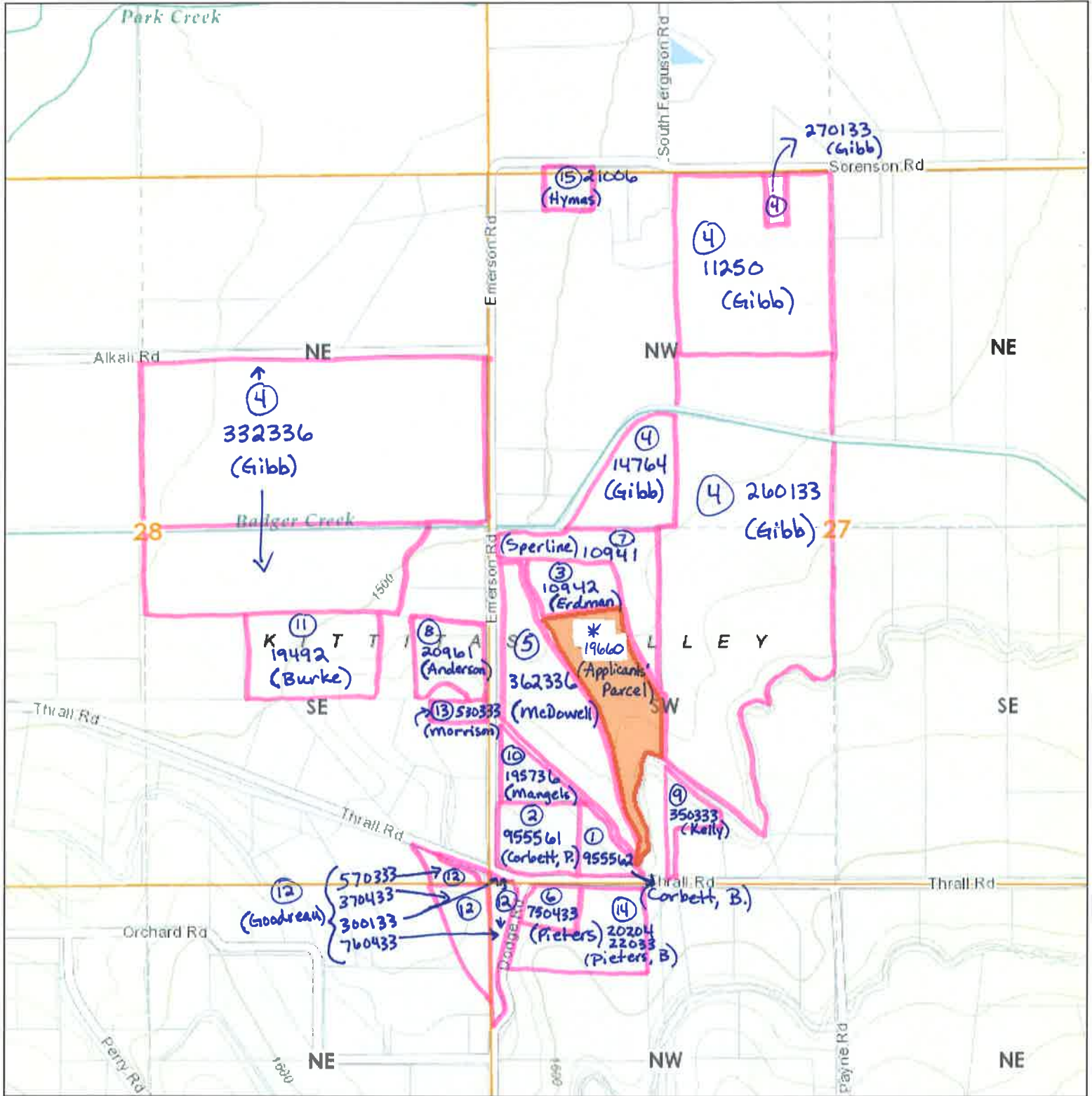
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## Index of Exhibits

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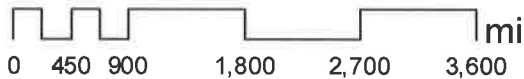
# EXHIBIT A - Kittitas County COMPAS Map



Date: 12/16/2014

1 inch = 1,505 feet  
Relative Scale 1:18,056

**Disclaimer:**  
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# Exhibit B-1

## Kittitas County Property Map Information

Parcel Information	
Address:	4575 THRALL RD ELLENSBURG
Tax Parcel ID	955562
Map Number	17-19-27055-0002
Acres Recorded	3
Owner Name:	CORBETT, BENJAMIN ETUX
Name Cont:	N/A
Mailing Address:	4575 THRALL RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1580
ISO:	0.02
PG:	32

## Exhibit B-2

### Kittitas County Property Map Information

Parcel Information	
Address:	1590 EMERSON RD ELLENSBURG
Tax Parcel ID	955561
Map Number	17-19-27055-0001
Acres Recorded	7
Owner Name:	CORBETT, PATRICK J ETUX
Name Cont:	N/A
Mailing Address:	1590 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1583
ISO:	0.02
PG:	32

## Exhibit B-3

### Kittitas County Property Map Information

Parcel Information	
Address:	1002 EMERSON RD ELLENSBURG
Tax Parcel ID	10942
Map Number	17-19-27053-0001
Acres Recorded	7.12
Owner Name:	ERDMAN, TIMOTHY M
Name Cont:	N/A
Mailing Address:	1002 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1521
ISO:	0.02
PG:	30

# Exhibit B-4 1 of 7

## Kittitas County Property Map Information

Parcel Information	
Address:	660 SORENSON RD ELLENSBURG
Tax Parcel ID	270133
Map Number	17-19-27000-0003
Acres Recorded	1.5
Owner Name:	GIBB, RONALD J ETUX TRUSTEES &
Name Cont:	GIBB, DOUGLAS F ETUX TRUSTEES
Mailing Address:	660 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926-8424

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950559B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1506
ISO:	0.02
PG:	30



## EXHIBIT B-4 2 of 7

### Kittitas County Property Map Information

Parcel Information	
Address:	SORENSEN RD ELLENSBURG
Tax Parcel ID	260133
Map Number	17-19-27000-0005
Acres Recorded	85.47
Owner Name:	GIBB, RONALD J ETUX TRUSTEES &
Name Cont:	GIBB, DOUGLAS F ETUX TRUSTEES
Mailing Address:	660 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926-8424

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture, Agriculture 20
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9, Type 2
FIRM Zone:	ZONE C, 100 YEAR
FEMA Flood Map:	5300950559B, 5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1564
ISO:	0.02
PG:	31

## Exhibit B-4 3 of 7

### Kittitas County Property Map Information

Parcel Information	
Address:	EMERSON RD ELLENSBURG
Tax Parcel ID	332336
Map Number	17-19-28000-0043
Acres Recorded	105.96
Owner Name:	GIBB, RONALD J ETUX TRUSTEES &
Name Cont:	GIBB, DOUGLAS F ETUX TRUSTEES
Mailing Address:	600 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark, Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District, Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 2
FIRM Zone:	ZONE C, 100 YEAR
FEMA Flood Map:	5300950559B, 5300950558B, 5300950566B, 5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1499
ISO:	0.02
PG:	30

## Exhibit B-4 4 of 7

### Kittitas County Property Map Information

Parcel Information	
Address:	SORENSEN RD ELLENSBURG
Tax Parcel ID	11250
Map Number	17-19-27000-0023
Acres Recorded	34.3
Owner Name:	GIBB, RONALD J ETUX TRUSTEES &
Name Cont:	GIBB, DOUGLAS F ETUX TRUSTEES
Mailing Address:	660 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926-8424

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950559B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1511
ISO:	0.02
PG:	30

## Exhibit B-4 5 of 7

### Kittitas County Property Map Information

Parcel Information	
Address:	EMERSON RD ELLENSBURG
Tax Parcel ID	14764
Map Number	17-19-27000-0024
Acres Recorded	10.48
Owner Name:	GIBB FAMILY TRUST
Name Cont:	TRUSTEES GIBB, RONALD & SUSAN
Mailing Address:	660 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C, 100 YEAR
FEMA Flood Map:	5300950559B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1513
ISO:	0.02
PG:	30

## Exhibit B-4 6 of 7

### Kittitas County Property Map Information

Parcel Information	
Address:	4360 DENMARK RD ELLENSBURG
Tax Parcel ID	590133
Map Number	17-19-26000-0022
Acres Recorded	3.73
Owner Name:	GIBB, RONALD J ETUX &
Name Cont:	GIBB, DOUGLAS F ETUX
Mailing Address:	4360 DENMARK RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1538
ISO:	0.02
PG:	31

## Exhibit B-4 7 of 7

### Kittitas County Property Map Information

Parcel Information	
Address:	DENMARK RD ELLENSBURG
Tax Parcel ID	050936
Map Number	17-19-26000-0025
Acres Recorded	109.92
Owner Name:	GIBB, RONALD J ETUX TRUSTEES &
Name Cont:	GIBB, DOUGLAS F ETUX TRUSTEES
Mailing Address:	660 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926-8424

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 2
FIRM Zone:	100 YEAR, ZONE C
FEMA Flood Map:	5300950559B, 5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1564
ISO:	0.019
PG:	30

## Exhibit B-5

### Kittitas County Property Map Information

Parcel Information	
Address:	1040 EMERSON RD ELLENSBURG
Tax Parcel ID	362336
Map Number	17-19-27000-0017
Acres Recorded	25
Owner Name:	MCDOWELL, KEVIN A. ETUX
Name Cont:	N/A
Mailing Address:	1040 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1550
ISO:	0.02
PG:	31

## Exhibit B-6

### Kittitas County Property Map Information

Parcel Information	
Address:	40 DODGE RD ELLENSBURG
Tax Parcel ID	750433
Map Number	17-19-34054-0001
Acres Recorded	3.1
Owner Name:	PIETERS, GREGORY A ETUX
Name Cont:	N/A
Mailing Address:	40 DODGE RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1587
ISO:	0.02
PG:	32



## Exhibit B-7

### Kittitas County Property Map Information

Parcel Information	
Address:	1000 EMERSON RD ELLENSBURG
Tax Parcel ID	10941
Map Number	17-19-27052-0001
Acres Recorded	13.48
Owner Name:	SPERLINE, JAMES ETUX
Name Cont:	N/A
Mailing Address:	1000 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C, 100 YEAR
FEMA Flood Map:	5300950559B, 5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1522
ISO:	0.02
PG:	30

## Exhibit B-8

### Kittitas County Property Map Information

Parcel Information	
Address:	EMERSON RD ELLENSBURG
Tax Parcel ID	20961
Map Number	17-19-28055-0004
Acres Recorded	7
Owner Name:	ANDERSON, THOMAS R & CAROLYN S
Name Cont:	N/A
Mailing Address:	2613 MILLSTONE LOOP
City/State:	ELLENSBURG, WA
Zipcode:	98926-5462

District Information	
Commisioner District:	1
Voter Precinct:	Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1546
ISO:	0.02
PG:	31

## Exhibit B-9

### Kittitas County Property Map Information

Parcel Information	
Address:	4761 THRALL RD ELLENSBURG
Tax Parcel ID	350333
Map Number	17-19-27051-0003
Acres Recorded	3.09
Owner Name:	KELLY, DONALD L & RUTH I
Name Cont:	N/A
Mailing Address:	PO BOX 554
City/State:	KITTITAS, WA
Zipcode:	98934

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1564
ISO:	0.02
PG:	31

# Exhibit B-10

## Kittitas County Property Map Information

Parcel Information	
Address:	1320 EMERSON RD ELLENSBURG
Tax Parcel ID	195736
Map Number	17-19-27000-0015
Acres Recorded	4.39
Owner Name:	EDDINGTON, DARRON A
Name Cont:	MANGELS, MELISSA J
Mailing Address:	1320 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926-9768

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1568
ISO:	0.02
PG:	31

## Exhibit B-11

### Kittitas County Property Map Information

Parcel Information	
Address:	1401 EMERSON RD ELLENSBURG
Tax Parcel ID	19492
Map Number	17-19-28055-0002
Acres Recorded	15.5
Owner Name:	BURKE, RICHARD L JR & MARY M
Name Cont:	N/A
Mailing Address:	1401 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926-8437

District Information	
Commisioner District:	1
Voter Precinct:	Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1544
ISO:	0.02
PG:	31

# Exhibit B-12

## 1 of 4

### Kittitas County Property Map Information

Parcel Information	
Address:	111 DODGE RD ELLENSBURG
Tax Parcel ID	760433
Map Number	17-19-34000-0008
Acres Recorded	2.78
Owner Name:	GOODREAU, TROY R
Name Cont:	N/A
Mailing Address:	111 DODGE RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Thrall, Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District, Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1570
ISO:	0.02
PG:	31

# Exhibit B-12

## 2 of 4

### Kittitas County Property Map Information

Parcel Information	
Address:	DODGE RD ELLENSBURG
Tax Parcel ID	370433
Map Number	17-19-33010-0013
Acres Recorded	5.62
Owner Name:	GOODREAU, TROY R
Name Cont:	N/A
Mailing Address:	111 DODGE RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1546
ISO:	0.02
PG:	31

# Exhibit B-12

## 3 of 4

### Kittitas County Property Map Information

Parcel Information	
Address:	THRALL RD ELLENSBURG
Tax Parcel ID	570333
Map Number	17-19-28000-0032
Acres Recorded	1.7
Owner Name:	GOODREAU, TROY R
Name Cont:	N/A
Mailing Address:	111 DODGE RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1556
ISO:	0.02
PG:	31



## Exhibit B-12

### 4 of 4

#### Kittitas County Property Map Information

Parcel Information	
Address:	THRALL RD ELLENSBURG
Tax Parcel ID	300133
Map Number	17-19-27000-0013
Acres Recorded	0.01
Owner Name:	GOODREAU, TROY R
Name Cont:	N/A
Mailing Address:	111 DODGE RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1570
ISO:	0.02
PG:	31

## Exhibit B-13

### Kittitas County Property Map Information

Parcel Information	
Address:	1321 EMERSON RD ELLENSBURG
Tax Parcel ID	530333
Map Number	17-19-28000-0028
Acres Recorded	1.44
Owner Name:	MORRISON, LINDA J
Name Cont:	N/A
Mailing Address:	1321 EMERSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Thrall
Hospital District:	HOSPITAL DISTRICT 1
School District:	Ellensburg School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1557
ISO:	0.02
PG:	31

# Exhibit B-14

1 of 2

## Kittitas County Property Map Information

Parcel Information	
Address:	THRALL RD ELLENSBURG
Tax Parcel ID	22033
Map Number	17-19-34054-0003
Acres Recorded	N/A
Owner Name:	PIETERS, BETTY L.
Name Cont:	N/A
Mailing Address:	4890 THRALL RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1603
ISO:	0.02
PG:	32

## Exhibit B-14

### 2 of 2

#### Kittitas County Property Map Information

Parcel Information	
Address:	4890 THRALL RD ELLENSBURG
Tax Parcel ID	20204
Map Number	17-19-34054-0002
Acres Recorded	5
Owner Name:	PIETERS, BETTY L.
Name Cont:	N/A
Mailing Address:	4890 THRALL RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1603
ISO:	0.02
PG:	32

## Exhibit B-15

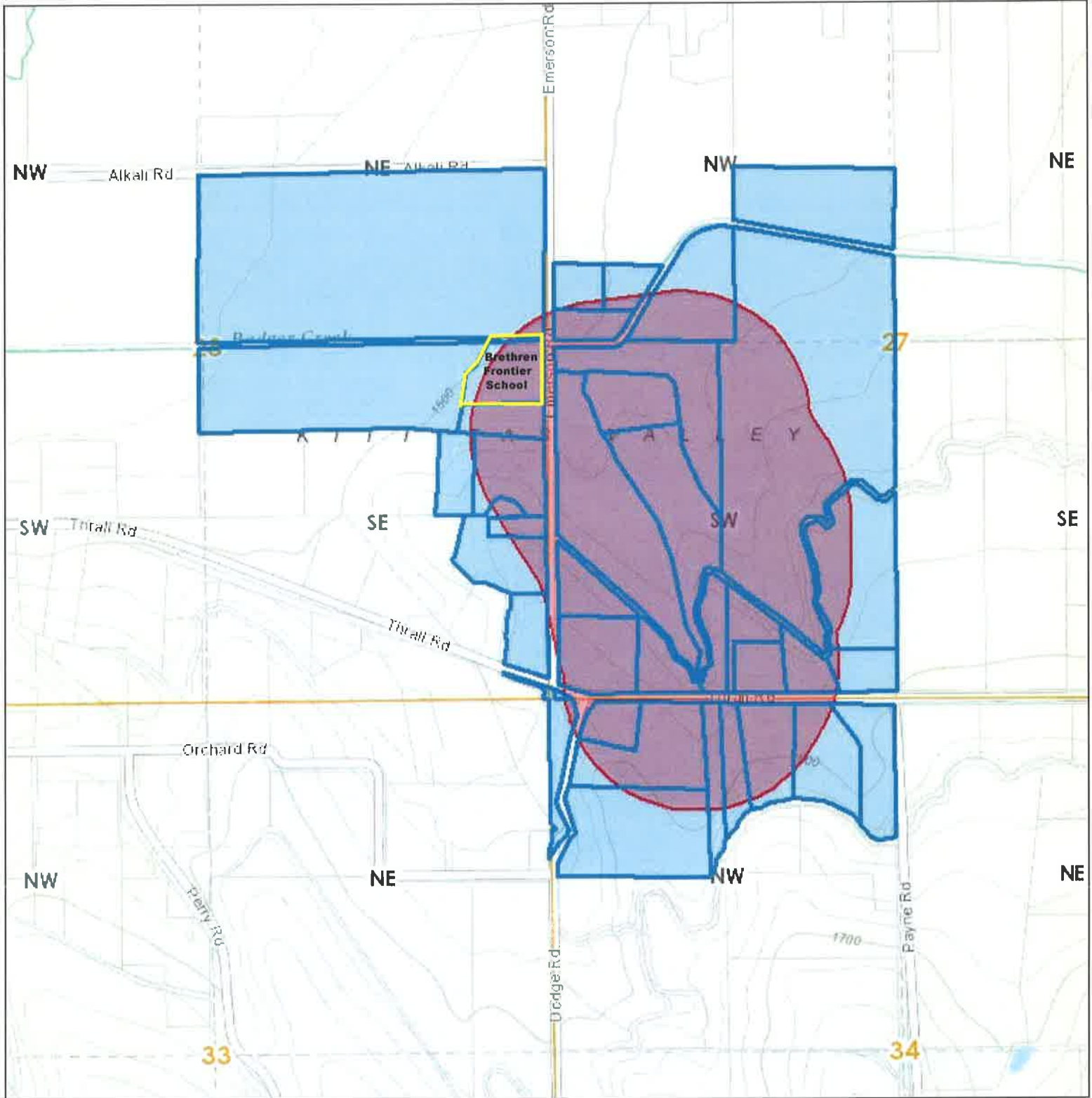
### Kittitas County Property Map Information

Parcel Information	
Address:	122 SORENSON RD ELLENSBURG
Tax Parcel ID	21006
Map Number	17-19-27054-0002
Acres Recorded	3
Owner Name:	HYMAS, STEVE & KRISTENE
Name Cont:	N/A
Mailing Address:	122 SORENSON RD
City/State:	ELLENSBURG, WA
Zipcode:	98926

District Information	
Commissioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950559B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1496
ISO:	0.02
PG:	30

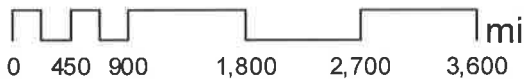
# Exhibit C - Kittitas County COMPAS Map (1000 Ft. Buffer)



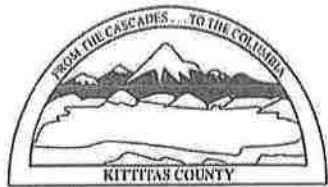
Date: 12/16/2014

1 inch = 1,505 feet  
Relative Scale 1:18,056

**Disclaimer:**  
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.



## Exhibit D



### KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926  
cds@co.kittitas.wa.us  
Office 509-962-7506  
Fax 509-962-7682

Building Partnerships - Building Communities

#### NOTICE OF APPLICATION

**Notice of Application:** Thursday, December 11, 2014  
**Application Received:** Wednesday, October 29, 2014  
**Application Complete:** Tuesday, November 25, 2014

**Project Name File Number:** McDonald (CU-14-00005)  
**Applicant:** TJ McDonald authorized agent for Mary Gonzalez, landowner

**Location:** 1 parcel, located to the Southeast of Ellensburg at 1006 Emerson Road in a portion of Section 27, T17N, R19E, WM, in Kittitas County, Assessor's map number 17-19-27053-0002.

**Proposal:** TJ McDonald authorized agent for Mary Gonzalez, landowner has submitted a administrative conditional use application for farming operations related to KCC 17.15.060.1 A – Marijuana processing and production to operate under Washington State Liquor Control Board (WSLCB) I-502 . The operation is located on a 15.03 acre parcel which is zoned Commercial Agriculture.

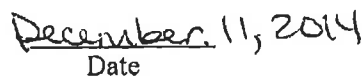
**Materials Available for Review:** The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/current/conditional-use.asp>. Phone: (509) 962-7506

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on December 26, 2014. Under Title 17.15.060.1, Marijuana processing and production projects are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. Appeals to an administrative land use decision may be filed within 10 working days with the board of county commissioners as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$500.

**Environmental Review (SEPA):** The County expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. Mitigation measures may be required under applicable codes, such as Title 17 Zoning, Title 16 Subdivisions, and the Fire Code. The project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the threshold determination may be obtained from the County.

**Designated Permit Coordinator (staff contact):** Kaycee K Hathaway, Staff Planner: (509) 962-7079; email at [kaycee.hathaway@co.kittitas.wa.us](mailto:kaycee.hathaway@co.kittitas.wa.us)

  
Signature Planner of Record

  
Date

## Exhibit E





## Exhibit G

### Kittitas County Property Map Information

Parcel Information	
Address:	1006 EMERSON RD ELLENSBURG
Tax Parcel ID	19660
Map Number	17-19-27053-0002
Acres Recorded	15.03
Owner Name:	MARY CURLEY ROBINSON IRREVOCABLE TRUST
Name Cont:	N/A
Mailing Address:	522 W 37TH AVE
City/State:	SPOKANE, WA
Zipcode:	99203-1406

District Information	
Commisioner District:	1
Voter Precinct:	Denmark
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	Cascade, Ellensburg Water
Weed District	WEED DISTRICT # 4
Fire District:	Fire District 2 (Rural Ellensburg)
Cemetery District:	N/A
Court District:	Lower District Court

Critical Areas Information	
Zone Name:	Commercial Agriculture
Land Use:	Commercial Agriculture
Contains > 30% Slope:	No
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Weland Code:	N/A
DNR Water Type:	Type 9
FIRM Zone:	ZONE C
FEMA Flood Map:	5300950567B
Coalmine Shaft:	N/A
Airport Zone:	N/A
Max Elevation:	1561
ISO:	0.02
PG:	31

## Exhibit H

PEC TRMR-63

# Reclamation Manual

## Policy

**TEMPORARY RELEASE**  
(Expires 05/16/2015)

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**Subject:** Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970

**Purpose:** The purpose of this Policy is to provide a clear statement of the Bureau of Reclamation's intent to operate consistently with the CSA with respect to the potential use of Reclamation water or facilities for the production of marijuana.

**Authority:** Reclamation Act of 1902 (ch. 1093, 32 Stat. 388); Controlled Substances Act of 1970 (Pub. L. 91-513, 84 Stat. 1236; codified as amended in various sections of 21 U.S.C.)

**Approving Official:** Commissioner

**Contact:** Director, Policy and Administration

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1. **Introduction.** The Controlled Substances Act of 1970 (CSA) and its implementing regulations prohibit the cultivation of marijuana, as defined at subsection 102(16) of the CSA (codified at 21 U.S.C. 802(16))<sup>1</sup>. Reclamation's obligation as a Federal agency to uphold Federal law prohibits it from approving the use of Reclamation water or facilities to facilitate activities prohibited by the CSA. Although the CSA's relevant prohibitions have not changed, the legalization of marijuana's cultivation and distribution under some state laws necessitates a clear statement of Reclamation's obligations under the CSA.
2. **Applicability.** This Policy applies to Reclamation staff involved in the administration of Reclamation water-related contracts.
3. **Definitions.** The definitions cited in PEC P05 apply to this Policy (see especially the terms "Contract Water" and "Water-Related Contract" at Paragraphs 3.D. and 3.R.).
4. **Responsibilities.**
  - A. **Commissioner.** The Commissioner will ensure that appropriate Policy on compliance with the CSA and other laws is issued and kept current.
  - B. **Director, Policy and Administration (Director).** The Director will issue D&S as necessary to provide additional support for implementation of the Commissioner's policies.

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<sup>1</sup>Spelled "marihuana" in the statute.

# Reclamation Manual

## Policy

**TEMPORARY RELEASE**  
(Expires 05/16/2015)

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- C. **Regional Directors.** Regional directors are responsible for the implementation of this Policy within their regions in accordance with authority delegated to them by the Commissioner. Along with complying with relevant laws and delegated authority, regional directors are responsible for ensuring that contracts are administered in a manner that protects the interests of the United States and ensures Reclamation's compliance with applicable law. Regional directors are responsible for the reporting required in Paragraph 5.A. of this Policy, and for designating the Reclamation employee responsible for compiling and maintaining the record described in Paragraph 5.C.
5. **Policy.** Reclamation will operate its facilities, make available contract water, execute and administer its water-related contracts, and otherwise perform its contractual and legal duties in a manner that is consistent with the CSA. Specifically:
- A. Reclamation will not approve use of Reclamation facilities or water in the cultivation of marijuana.
  - B. Should Reclamation employees become aware that Reclamation facilities or the water they supply are being used to facilitate cultivation of marijuana, they will, through their line management, bring this to the attention of their regional director, who will report such use to the Department of Justice and document the reporting action(s).
  - C. Throughout this process, a designated Reclamation employee will compile and maintain a record documenting all activities and communications regarding known or potential uses of Reclamation water or facilities to cultivate marijuana. These records will include all relevant memos, emails, letters, records of telephone conversations, etc. about known or potential uses of Reclamation water or facilities to cultivate marijuana, including responses by Reclamation employees.
  - D. Reclamation does not have a responsibility or designated role in actively seeking enforcement of the CSA.
6. **Commingled Water.** This Policy does not apply to non-contract water commingled with contract water in non-Federal facilities.

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**Reclamation Manual Transmittal Sheet**

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Effective Date: 05/16/2014

Release No. 495

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**Please ensure that all employees who need this information are forwarded a copy of this release.**

Reclamation Manual Release Number and Subject

**PEC TRMR-63 Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970**

Summary of Changes

**NEW TEMPORARY RECLAMATION MANUAL RELEASE**

**NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this Reclamation Manual release may be subject to the provision of your collective bargaining agreements.**

---

Filing Instructions

Remove Sheets

Insert Sheets

pp 1-2

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>.

---

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_



**Exhibit I, 1 of 2**

*farmers helping farmers*

**No. 9 Hay Trading Co., LLC  
2550 Hungry Junction Rd.  
Ellensburg, WA 98926  
PH 509-962-8133 / Fax 509-962-4443**

December 18, 2014

Kittitas County Community Development Services  
Ellensburg, WA 98926

Dear Sirs:

This letter is to voice our concern about a potential outdoor marijuana growing area in the Emerson road vicinity of Kittitas County.

No. 9 Hay Trading Co., is a forage marketing company located in Kittitas County. We purchase forage products such as alfalfa, timothy, oat hay and Sudan grass throughout the Pacific Northwest.

Kittitas County is a primary area where we purchase a large amount of high quality timothy hay that is exported overseas to Japan by our company. This area is world renowned for the quality of timothy grown here. We have customers from all over the world visit our facility and farmers' fields while the timothy is being grown and harvested. These customers are very particular with how the timothy is grown, what herbicides are used, the amount of fertilizer applied to the fields. They are especially concerned if the field is contaminated with other grasses or plants besides timothy. We have taken these customers to numerous farms and fields in Kittitas County so many times that they have become very familiar with our area and know the farmers names and fields. Also to make it very clear we have purchased timothy from this area of Kittitas County.

This leads us to our opposition of having an outdoor marijuana growing operation in the Emerson road area and Kittitas County in general. The customers will know about it, some already do and they are concerned about it getting into the timothy hay that they receive. Perception is a major factor in marketing products. If the consumer thinks there is a chance that a product could be contaminated with an undesirable element they will buy another product from another place. We have already experienced this first hand in agriculture. Last year in the summer of 2013 an Oregon farmer was spraying weeds in his summer fallow field with roundup herbicide. There was some volunteer winter wheat growing in this field that he couldn't kill with roundup. After some test being done they determined it was Roundup Ready wheat. There had been test plots grown in the area by Monsanto. This made the local news and the national news and eventually the international news. The result was that Japan stop importing US white wheat because of the perception that there could be Roundup Ready wheat from the US going to Japan. I use this as an example of how sensitive our foreign markets are and how perception is a huge factor in the market place.

Kittitas County farmers and our county's economy cannot afford to have the perception put out there that there is a chance that there could be timothy hay contaminated with marijuana going to Japan or any other overseas county. This could ruin a reputation for quality that has taken decades to build.

We strongly oppose this request and urge you to deny it.

Sincerely,

*Bob Haberman*

*Brad Haberman*

Co-Owners, No. 9 Hay Trading Co., LLC

**Exhibit I, 2 of 2**  
**World Famous Timothy Hay**

[timothygrowers@gmail.com](mailto:timothygrowers@gmail.com)

[www.kittitastimothy.org](http://www.kittitastimothy.org)



MEMORANDUM FOR RECORD

November 4, 2014

TO: Kittitas County Board of Commissioners  
- District #1: Paul Jewell, District #2: Gary Berndt, District #3: Obie O'Brien

FROM: Organization of Kittitas County Timothy Hay Growers & Suppliers

SUBJECT: Marijuana Production & Processing in Kittitas County

The Organization of Kittitas County Timothy Hay Growers & Suppliers submitted letters on January 27, 2014 & May 20, 2014 to the County Commissioners concerning production & processing of marijuana in the County. Our organization was established in the mid 1970's to be a unified voice of the timothy hay industry in Kittitas County, Washington. The organization supports activities and projects with the purpose of resolving production-related problems while preserving and enhancing, product quality. We represent over 150 growers, exporters, and suppliers throughout the county and take our industry very seriously.

In November of 2012, Washington voters approved I-502 which allows residents of the state to produce, process, & sell marijuana through proper licensing channels. While the rules for I-502 are still being developed, members of the Kittitas County Hay Growers feel that some issues regarding I-502 are not being properly addressed. At this time, marijuana will not yield any additional tax funding for the county, & it could also severely damage the largest industry in the county, affecting millions of dollars that are brought into the county on a yearly basis. Weeds can negatively impact the sale of hay to foreign buyers, but more critically, if buyers found marijuana growing in a single timothy field in this valley – all buyers could abandon buying hay from the Kittitas Valley for years to come. Another issue of concern is water usage. Water is our most valuable resource for farming in this County and it's becoming more and more scarce. A large production facility is going to need massive amounts of water, and we're afraid that in some way this water will be taken from the farming community. At this time, our organization requests that production & processing of marijuana in Kittitas County be denied by the County Commissioners.

Our hay industry in this county is a very sensitive market. 80-90% of the hay grown in this valley is exported to foreign countries to buyers looking for superior hay products. Purchasers of our hay products are very knowledgeable of how the hay is grown, stored, and shipped. They perform numerous tests of their own on our hay products before making any decisions on purchasing. Some of the hay purchased is for the race horse industry in Japan. In the late '90's, a Coca-Cola can was found in a bale of hay. This led to an immediate shut down of the race track for a complete day until the issue could be resolved – the fear was that a horse had consumed a stimulant drug. Between December 2013 & November 2014, we have spoken with over 1000 State wide suppliers, producers, and distributors about this issue and not a single person or company objected to our stance on this issue. Please seriously take into consideration the negative impacts that the production of marijuana could cause for the timothy market and the Kittitas Valley.

Sincerely,

Brian Cortese

Board of Directors

Brian Cortese, President   Craig George, Vice President   Mel Dyk   Bill Lowe   Brent Dekoning  
Carl Jensvold   Kendra Allen   Mark Anderson   Rollie Bernth   Richard Wachsmith, Registered Agent



My name is Rory Savage. I am the Owner and Designated Broker at Windermere Real Estate/Ellensburg. I have been a full time Realtor for the past 29 years in Ellensburg, Washington. I served as the Kittitas County Association of Realtors President in 1991 and in 2013. I am currently a member of the Kittitas County Association of Realtors Board of Directors. I am also currently serving as a member of the Kittitas County Public Lands Advisory Group and the Kittitas County Water Quantity Citizen's Advisory Committee.

My personal focus in the local real estate market has been primarily in rural home, ranch and land sales. Through my participation in local real estate sales over the past 29 years, I believe that I have a clear understanding of the market trends and issues that affect the values of real property in the Ellensburg area.

I have been asked to give my opinion of how a cannabis growing operation may affect the value and marketability of neighboring properties or lands suited for agricultural and rural residential development. It is my opinion that a cannabis growing facility will have a negative impact on values and marketability of properties and lands that are in the vicinity of the cannabis growing facility.

The reason for this is really very simple in my opinion. In every real estate market, there are a certain number of buyers who desire to purchase a specific type of real estate, home or building site. The people that are looking for the specific types of property you may own are what the real estate industry refers to as the "buyer pool". If you own land or a home that appeals to 100% of the buyer pool, you will be able to sell your home for top dollar, and in less time than it will take to sell a home or property with a smaller buyer pool. In the lower half of Kittitas County, the marijuana initiative was not passed by the voters of the county. Therefore, I believe it is safe to assume that at a minimum, 50% of the consumers in the market place would not desire to purchase land or a home next to, or near a cannabis growing or processing facility. The result would be a reduction in the buyer pool by 50%, resulting in less demand for the property and longer marketing time. With supply and demand being the most common factor in determining upward and downward value trends in a market place, it is safe to say that the demand for land or a residence or a residential building lot next to a cannabis facility will have much less demand in the local market than the same property that is not next to a cannabis facility in the local market. This will result in a lower sale price.

I can also say that in the months since the passing of the marijuana initiative, it is common for a prospective buyer of land or residential property to express their desire to not be near a marijuana/cannabis grow or processing facility while the realtors in our office are showing the prospective buyer property.

Sincerely,

A handwritten signature in black ink, appearing to read "Rory Savage", is written over a horizontal line.

Rory Savage

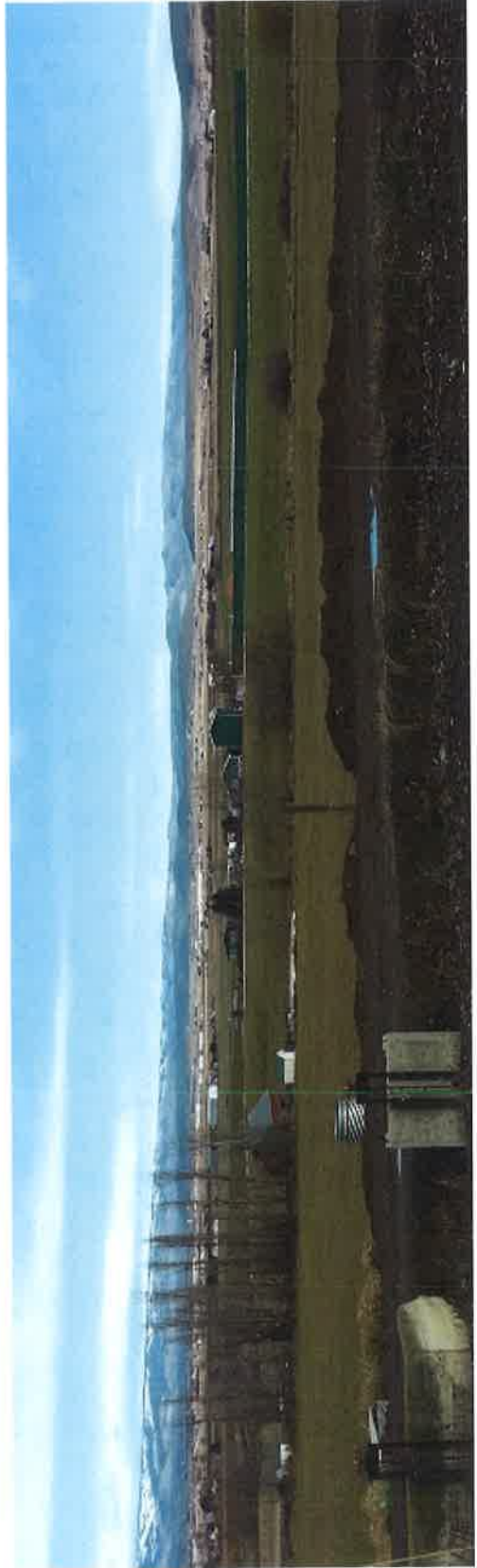
Owner/Designated Broker

Windermere Real Estate/Ellensburg

**Windermere Real Estate/Ellensburg**

808 South Main • Ellensburg, WA 98926 • 509/925-5577 • Fax 509/925-9006

**Exhibit K**  
**Page 1 of 2**





**Exhibit K**  
**Page 2 of 2**



**Exhibit L**



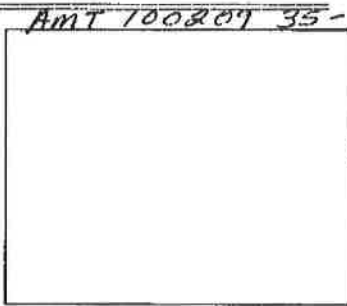
**AFTER RECORDING MAIL TO:**

Name Tim Erdman  
Address 1002 Emerson Road  
City/State Ellensburg, WA 98926

REVIEWED BY  
KITITAS COUNTY TREASURER  
DEPUTY K. Heple  
DATE 1-31-06

**Document Title(s): (or transactions contained therein)**

- 1. Road Maintenance Agreement
- 2.
- 3.



**Reference Number(s) of Documents assigned or released:**

Additional numbers on page \_\_\_\_\_ of document

**Grantor(s): (Last name first, then first name and initials)**

- 1. Timothy M. Erdman
- 2. Laurie A. Erdman
- 3. William A. Aylesworth
- 4. Vicki R. Aylesworth
- 5.  Additional names on page \_\_\_\_\_ of document

**Grantee(s): (Last name first, then first name and initials)**

- 1. Public
- 2.
- 3.
- 5.  Additional names on page \_\_\_\_\_ of document

**Legal Description:**

Lots 1 and 2 of ERDMAN SHORT PLAT, Kittitas County Short Plat No. 04-02, as recorded April 20, 2004, in Book G of Short Plats, pages 157 and 158, under Auditor's File No. 200404200021, records of Kittitas County, State of Washington; being a portion of the Southwest Quarter of Section 27, Township 17 North, Range 19 East, W.M., in the County of Kittitas, State of Washington.

**Assessor's Property Tax Parcel / Account Number(s):**

17-19-27053-0001 and 17-19-27053-0002



Road Maintenance Agreement

On the portion of driveway mutually utilized by owners of Lot 1 and Lot 2 the following will happen:

Any improvements or additional graveling shall be discussed. If mutually agreed by each party, then the costs shall be shared on a 50/50 split basis.

Snow removal is at the discretion of both property owners. No cost will be incurred by either party.

<u>Timothy Erdman</u>	1- <del>30</del> -06
<u>Timothy Erdman</u>	1-13-06
Seller <u>Lauree Erdman</u>	date 1/30/06
<u>Lauree Erdman</u>	1/13/06
Seller	date

<u>Wm. A. Dylsworth</u>	1-26-06
Buyer	date
<u>Wm. A. Dylsworth</u>	1-26-06
Buyer	date

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KITTITAS )

On this day personally appeared before me **Timothy M. Erdman and Laurie A. Erdman**, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 30<sup>th</sup> day of January, 2006.

Jackie Peebles  
Printed Name: JACKIE PEEBLES  
Notary Public in and for the State of  
Washington, residing at Ellensburg  
My appointment expires 6-19-07



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Ino )

On this day personally appeared before me **William A. Aylesworth and Vicki R. Aylesworth**, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 15<sup>th</sup> day of January, 2006.

M. E. Krook  
Printed Name: M. E. KROOK  
Notary Public in and for the State of  
Washington, residing at Spokane WA  
My appointment expires 10-23-09

This jurat is page 3 of 3 and is attached to Road Maintenance Agreement dated January, 2006.

## Exhibit M

### ~~17.08.456 Produce-Farm sStands.~~

~~"Produce-Farm stands" means a temporary use which is primarily engaged in the sale of fresh agricultural products, grown on- or off-site, but may include incidental to fresh produce sale, the sale of limited prepackaged food products and nonfood items. This use is to be seasonal in duration, open for the duration of the local harvest season. Enhanced agricultural sales are allowed. (Ord. 2013-001, 2013; Ord. 2007-22, 2007)~~

### ~~17.08.469A Retail sales ,marjuana\*.~~

~~(Ord. 2014-004, 2014; Ord. 2013-001, 2013;)~~

~~\* Publisher's Note: § 17.08.469A was erroneously included. This section should refer to 17.08.395. "Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.~~

~~17.08.255A. Farm Visit: "Farm visit" means a farm or ranch providing customers a day-use learning experience about the practice of farming or ranching. A Farm Visit operation does not include overnight accommodations. Enhanced agricultural sales are allowed.~~

~~17.08.34A ~~Enhanced a~~Agricultural sales-enhanced. "Enhanced ~~a~~Agricultural sales-enhanced" means the selling of agricultural products grown or raised locally that have been enhanced to improve market value. Enhanced agricultural sales activities include, but are not limited to: sales of prepared food or beverages, crafts, floral arrangements, and tasting rooms. Marijuana product sales are excluded. Enhanced agricultural sales operations may also include the retail sale of fresh or unprocessed agricultural products.~~

~~17.08.550A. U-Pick/U-Cut operation: "U-Pick/U-Cut operation" means farms or orchards where customers come to purchase fruit or agricultural products which they have harvested themselves. Enhanced agricultural sales are allowed.~~

Title 17

Zoning

## Chapter 17.15 ALLOWED USES

### Sections

- 17.15.010 Categories of uses established.
- 17.15.020 Establishment of zoning use tables.
- 17.15.030 Interpretation of tables.
- 17.15.040 Zoning use tables.
- 17.15.050 Allowed uses in resource lands.
- 17.15.060 Allowed uses in rural non-LAMIRD lands.
- 17.15.070 Allowed uses in rural LAMIRD lands.
- 17.15.080 Allowed uses in urban lands.

### 17.15.010 Categories of uses established

This chapter establishes permitted, permitted administrative, administrative conditional use and conditional uses, by zone, for all properties within Kittitas County. All uses in a given zone are one (1) of three (3) types:

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1. Permitted Use. Land uses allowed outright within a zone classification and subject to provisions within the Kittitas County Code.
2. Permitted Administrative Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60B.
3. Administrative Conditional Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60A.
4. Conditional Use. Land uses which may be permitted within a zone classification following review and hearing under the provisions of KCC Chapter 17.60A.

(Ord. 2013-012, 2013; Ord. 2013-001, 2013;)

**17.15.020 Establishment of zoning use tables**

The allowed use tables in this chapter establish allowed uses in the various zoning classifications and whether the use is allowed as "Permitted," "Permitted Administrative," "Administrative Conditional" or "Conditional." The zone classification is located at the top of the table and the specific use is located on the far-left of the vertical column of these tables. (Ord. 2013-012, 2013; Ord. 2013-001, 2013;)

**17.15.030 Interpretation of tables.**

1. Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row:

- P Permitted Use
- PA Permitted Administrative Use
- AC Administrative Conditional Use
- CU Conditional Use

2. Definitions. Uses defined in KCC Chapter 17.08 are indicated with an asterisk (\*).
3. Additional Use-Related Conditions. The small numbers (superscript) in a cell indicate additional requirements or detailed information for uses in specific zones. Those additional requirements can be found in the footnotes that follow each allowed use table. All applicable Federal, State and local requirements shall govern a use whether specifically identified in this chapter or not.
4. The Director has the authority to allow uses that are substantially similar to an allowed use listed on the table subject to the same review procedures as the substantially similar use. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process, except in the case of PUDs located inside the UGA where determination of substantially similar uses shall be made by the planning commission during review of the development plan required under KCC 17.36.030.
5. Accessory uses. The administrative official has the authority to permit uses that are customarily incidental to an allowed use listed on the table.

(Ord. 2013-012, 2013; Ord. 2013-001, 2013;)

**17.15.040**

There are four (4) separate tables addressing the following general land use designations (Resource Lands, Rural Non-LAMIRD Lands, Rural LAMIRD Lands, Urban Lands) and zone classifications:

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1. Resource Lands
  - a. Commercial Agriculture
  - b. Commercial Forest
2. Rural Non-LAMIRD Lands
  - a. Rural Residential
    - i. Agriculture 5
    - ii. Rural 5
    - iii. Planned Unit Development
  - b. Rural Working
    - i. Agriculture 20
    - ii. Forest and Range
  - c. Rural Recreation
    - i. Master Planned Resort
    - ii. General Commercial
    - iii. Rural Recreation
    - iv. Planned Unit Development
3. Rural LAMIRD Lands
  - a. Residential
  - b. Residential 2
  - c. Agriculture 3
  - d. Agriculture 20
  - e. Rural 3
  - f. Rural 5
  - g. Limited Commercial
  - h. General Commercial
  - i. Highway Commercial
  - j. Light Industrial
  - k. General Industrial
  - l. Forest Range
  - m. Planned Unit Development
4. Urban Lands
  - a. Residential
  - b. Urban Residential
  - c. Agriculture 3
  - d. Rural 3
  - e. Rural 5
  - f. Limited Commercial
  - g. General Commercial
  - h. Highway Commercial
  - i. Light Industrial
  - j. General Industrial
  - k. Forest Range
  - l. Planned Unit Development

(Ord. 2013-001, 2013;)

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**17.15.050 Allowed Uses in Resource Lands.**

**17.15.050.1 Resource Use Table**

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
A. Agriculture		
Animal boarding*	CU	
Agriculture processing*	CU <sup>17</sup>	
Agriculture production*	P	P
Agriculture sales*, Produce <u>Farm stand</u>	P <sup>16</sup> / AC <sup>392B</sup>	
Agriculture sales*, <del>Other</del>	CU	
Dairy	CU	CU
Feedlot*	CU	CU
Grazing*	P	P
Marijuana Processing*	P	
Marijuana Production*	P	
<u>Marijuana, retail sales*</u>		
Nurseries	P	

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Riding academies	CU	
Small-scale event facility*	AC <sup>25</sup> / CU	
<u>U-Pick/U-Cut Operations*</u>	<u>AC<sup>22</sup></u>	<u>AC<sup>22</sup></u>
<u>Farm Visit*</u>	<u>AC<sup>22</sup></u>	
	Commercial Agriculture	Commercial Forest
<b>B. Civic Cultural Uses</b>		
Cemetery	P <sup>13</sup>	
Clubhouses, fraternities and lodges*	AC <sup>24</sup>	
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU <sup>12</sup>	
	Commercial Agriculture	Commercial Forest
<b>C. Commercial</b>		

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Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	AC	
Clinic*		
Day care facilities*		
Funeral home/mortuary		
Hospital*		
Hospital, animal or veterinary*		
Hotel/motel		
Office*		
Restaurant		
Retail sales,* general		
Retail sales,* lumber and building materials		
Retail sales, marijuana*		
Retail sales,* vehicles and equipment		
Services		
Shooting range*	CU <sup>23</sup>	CU <sup>23</sup>

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Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P <sup>22</sup>	
	Commercial Agriculture	Commercial Forest
D. Industrial		
Airport*	P <sup>20</sup>	P <sup>21</sup>
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
<u>Impound/towing yard*</u>		
Junkyard*		
Manufacturing*		
Mini-warehouse		

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Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA <sup>27</sup> /CU <sup>28</sup>	
Wholesale business		
	Commercial Agriculture	Commercial Forest
E. Recreation		
Campground*		P <sup>18</sup>
Golf course*		
Guest Ranch or Guest Farm*	CU	
Parks and playgrounds*		P <sup>15</sup>
Recreation, indoor*		
Recreation, outdoor*		P <sup>18</sup>
Recreational vehicle storage		
Stadium		
Trails	PA	PA
	Commercial	Commercial

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	Agriculture	Forest
F. Residential		
Accessory dwelling unit*	P <sup>4</sup>	
Accessory living quarters*	P <sup>5</sup>	
Adult family home*	P <sup>10</sup>	P <sup>10</sup>
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU <sup>2</sup>	
Group home*		
Home occupation*	P <sup>8</sup>	P <sup>8</sup>
Manufactured home*	P	P
Mobile home	P <sup>6</sup>	P <sup>6</sup>
Special care dwelling*	P <sup>7</sup>	P <sup>7</sup>
Temporary trailers	P <sup>11</sup>	P <sup>11</sup>

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	Commercial Agriculture	Commercial Forest
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU <sup>14</sup>	P
Rock crushing*		P
	Commercial Agriculture	Commercial Forest
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P <sup>3</sup>	P <sup>3</sup>
Public facilities*	PA <sup>19</sup>	PA <sup>19</sup>
Utilities	P <sup>1</sup>	P <sup>1</sup>
Watershed management activities*	PA	PA

**17.15.050.2 Footnotes Associated with Resource Use Table.**

1. Pursuant to KCC Chapter 17.61, Utilities.
2. Provided:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.

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3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.
4. Subject to the following requirements:
  - a. ADUs shall be allowed as a permitted use within designated UGAs;
  - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
  - c. Only one ADU shall be allowed per lot;
  - d. Owner of the property must reside in either the primary residence or the ADU;
  - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
  - f. All setback requirements for the zone in which the ADU is located shall apply;
  - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
  - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
  - i. The ADU shall provide additional off-street parking;
  - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
5. Subject to the following requirements:
  - a. Accessory Living Quarters shall be located within an owner occupied primary residence;
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
  - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
  - e. Accessory Living Quarters are to provide additional off-street parking;
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
7. Subject to the following requirements:
 

The Special Care Dwelling must meet all setback requirements for the zone in which it is located;

  - a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
  - b. Placement is subject to obtaining a building permit for the manufactured home;
  - c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
  - d. The Special Care Dwelling unit cannot be used as a rental unit;
  - e. The Special Care Dwelling unit must be removed when the need for care ceases;
  - f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.
9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
10. Pursuant to RCW70.128.140.

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11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
12. Existing schools are permitted; new schools require a conditional use permit.
13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.
16. When located ~~not less no more~~ than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
18. Limited to dispersed recreation and recreational facilities such as primitive campsites.
19. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
20. When used primarily in conjunction with agricultural activities.
21. For emergency and forest related management uses and practices only.
22. Limited to farm implement repair and maintenance.
23. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
  - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
  - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
  - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
  - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
24. Limited to facilities that serve traditional rural or resource activities (such as granges).
25. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
26. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
27. Limited to seasonal, non-structural hay storage.
- ~~28. Marijuana production or processing on conforming legal lots of record are permitted outright and must:
 
  - a. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.
  - b. Meet all International Fire Code and International Building Code requirements.
  - c. Agree to an annual fire protection inspection.
  - d. Provide 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.~~

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- ~~e. All buildings or planting operations requiring security by law must be setback at least 60 feet from any property boundary.~~
  - ~~f. Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.~~
  - ~~g. Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.\*~~
- ~~20. Marijuana production or processing on non-conforming legal lots of record must be at least 10 (ten) acres in size, are processed as an Administrative Conditional Use, and must:~~
- ~~a. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.~~
  - ~~b. Meet all International Fire Code and International Building Code requirements.~~
  - ~~c. Agree to an annual fire protection inspection.~~
  - ~~d. Provide 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.~~
  - ~~e. All buildings or planting operations requiring security by law must be setback at least 60 feet from any property boundary.~~
  - ~~f. Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.~~
  - ~~g. Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.\*~~
28. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
29. When enhanced agricultural sales are provided.

~~\*Publisher's Note: Exhibit B-1 in Ord. 2014-005 erroneously referenced footnotes 28 and 29 in 17-15-080-2.~~

(Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013;)

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### Introduced, Invasive, and Noxious Plants

#### Federal and State Noxious Weeds

679 records returned

Noxious weeds that are synonyms retain their noxious status, and are indented beneath the current PLANTS accepted name.

United States	<p>USDA, Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ). <i>State Plant Regulatory Officials letters</i> (<a href="http://nationalplantboard.org/laws/spro.html">http://nationalplantboard.org/laws/spro.html</a>, ). National Plant Board.</p> <p>USDA, Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ). 2012. <i>Federal noxious weed list</i> (<a href="http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf">http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf</a>, 1 February 2012). USDA, APHIS, PPQ.</p>
Alabama	<p>Division of Plant Industry. 2003. <i>Summary of plant protection regulations</i> (<a href="http://www.alabamaadministrativecode.state.al.us/docs/agr/10AGR14.htm#T1">http://www.alabamaadministrativecode.state.al.us/docs/agr/10AGR14.htm#T1</a>, 20 October 2003). Alabama Department of Agriculture and Industries.</p>
Alaska	<p>Division of Agriculture. 1996. <i>State of Alaska prohibited and restricted noxious weeds</i> (<a href="http://www.dnr.state.ak.us/ag/ag_pmc.htm">http://www.dnr.state.ak.us/ag/ag_pmc.htm</a>, 20 October 2003). Alaska Department of Natural Resources.</p>
Arizona	<p>Plant Services Division. 2005. <i>Prohibited, regulated and restricted noxious weeds</i> (<a href="http://www.azda.gov/PSD/quarantine5.htm">http://www.azda.gov/PSD/quarantine5.htm</a>, 1 May 2006). Arizona Department of Agriculture.</p>
Arkansas	<p>Arkansas State Plant Board. 1997. <i>Regulations on plant diseases and pests</i> (<a href="http://www.plantboard.org/plant_pdfs/plantdiseasereg.pdf">http://www.plantboard.org/plant_pdfs/plantdiseasereg.pdf</a>, 20 October 2003). Arkansas State Plant Board.</p>
California	<p>California Department of Food and Agriculture. 2003. <i>Pest ratings of noxious weed species and noxious weed seed</i> (<a href="http://www.cdffa.ca.gov/phpps/ipc/weedinfo/wininfo_list-pestrating.htm">http://www.cdffa.ca.gov/phpps/ipc/weedinfo/wininfo_list-pestrating.htm</a>, 20 October 2003). California Department of Food and Agriculture.</p> <p>California Department of Food and Agriculture. 2003. <i>Plant quarantine manual, California plant quarantine policy - weeds</i> (<a href="http://pi.cdffa.ca.gov/pqm/manual/pdf/107.pdf">http://pi.cdffa.ca.gov/pqm/manual/pdf/107.pdf</a>, 20 October 2003). California Department of Food and Agriculture.</p> <p>Food and Agriculture Code. 2003. <i>Camelthorn, Section 7301-7305</i> (<a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&amp;group=07001-08000&amp;file=7301-7305">http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&amp;group=07001-08000&amp;file=7301-7305</a>, 20 October 2003). State of California.</p> <p>Food and Agriculture Code. 2003. <i>Hydrilla, Section 6048-6049</i> (<a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&amp;group=06001-07000&amp;file=6048-6049">http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&amp;group=06001-07000&amp;file=6048-6049</a>, 20 October 2003). State of California.</p>
Colorado	<p>Plant Industry Division. 2003. <i>Rules pertaining to the administration and enforcement of the Colorado Noxious Weed Act</i> (<a href="http://www.ag.state.co.us/CSD/Weeds/statutes/weedrules.pdf">http://www.ag.state.co.us/CSD/Weeds/statutes/weedrules.pdf</a>, 23 January 2006). Colorado Department of Agriculture.</p>
Connecticut	<p>Connecticut Invasive Plants Council. 2004. <i>Connecticut invasive plant list</i> (<a href="ftp://ftp-fc.sc.egov.usda.gov/CT/invasives/WordInvasivesListCommonNameW-Authors4PDF.pdf">ftp://ftp-fc.sc.egov.usda.gov/CT/invasives/WordInvasivesListCommonNameW-Authors4PDF.pdf</a>, 20 April 2005). Connecticut Invasive Plants Council.</p>
Delaware	<p>Delaware Department of Agriculture. 1986. <i>Rules and regulations for noxious weed control</i> (<a href="http://www.state.de.us/deptagri/plantind/noxious.shtml">http://www.state.de.us/deptagri/plantind/noxious.shtml</a>, 23 January 2006). Delaware Department of Agriculture.</p>
Florida	<p>Bureau of Aquatic Plant Management. 2002. <i>Aquatic plant importation, transportation, non-nursery cultivation, possession and collection</i> (<a href="http://www.dep.state.fl.us/lands/invaspec/2ndlevpgs/perrules.htm">http://www.dep.state.fl.us/lands/invaspec/2ndlevpgs/perrules.htm</a>, 20 October 2003). Florida Department of Environmental Protection.</p> <p>Division of Plant Industry. 2000. <i>Introduction or release of plant pests, noxious weeds, arthropods, and biological control agents</i> (<a href="http://tame.ifas.ufl.edu/media/docs/rule5B-57.pdf">http://tame.ifas.ufl.edu/media/docs/rule5B-57.pdf</a>, 20 October 2003). Florida Department of Agriculture &amp; Consumer Services.</p>
Hawaii	<p>Division of Plant Industry. 2003. <i>List of plant species designated as noxious weeds</i> (<a href="http://www.hawaiiag.org/hdoa/adminrules/AR-68.pdf">http://www.hawaiiag.org/hdoa/adminrules/AR-68.pdf</a>, 20 October 2003). Hawaii Department of Agriculture.</p>

Idaho	Idaho Department of Agriculture. 2006. <i>Noxious weed rules</i> ( <a href="http://www.agri.state.id.us/Categories/PlantsInsects/NoxiousWeeds/watchlistsci.php">http://www.agri.state.id.us/Categories/PlantsInsects/NoxiousWeeds/watchlistsci.php</a> , 24 May 2006). Idaho Department of Agriculture.
Illinois	Illinois Administrative Code. 2002. <i>Illinois noxious weed law</i> ( <a href="http://www.agr.state.il.us/Laws/Regs/8iac220.pdf">http://www.agr.state.il.us/Laws/Regs/8iac220.pdf</a> , 20 October 2003). State of Illinois.
Indiana	Division of Entomology and Plant Pathology. 2003. <i>Summary of plant protection regulations</i> ( <a href="http://www.in.gov/dnr/entomolo/pestinfo/invasive.htm">http://www.in.gov/dnr/entomolo/pestinfo/invasive.htm</a> , 20 October 2003). Indiana Department of Natural Resources.
Iowa	Iowa Department of Agriculture and Land Stewardship. 2002. <i>The Iowa weed law</i> ( <a href="http://www.weeds.iastate.edu/reference/weedlaw.htm">http://www.weeds.iastate.edu/reference/weedlaw.htm</a> , 20 October 2003). Iowa Department of Agriculture & Land Stewardship.
Kansas	Division of Plant Health. 2003. <i>Kansas noxious weed law</i> ( <a href="http://www.accesskansas.org/kda/Plantpest/PestManagement/plant-pestmanagement-weeds.htm">http://www.accesskansas.org/kda/Plantpest/PestManagement/plant-pestmanagement-weeds.htm</a> , 20 October 2003). Kansas Department of Agriculture.
Kentucky	Kentucky Revised Statutes. 1990. <i>Department to eradicate noxious weeds on right-of-ways -- advertisement of program</i> ( <a href="http://www.lrc.state.ky.us/KRS/176-00/051.PDF">http://www.lrc.state.ky.us/KRS/176-00/051.PDF</a> , 1 May 2006). State of Kentucky.
Louisiana	Louisiana State Code. 1995. <i>Agriculture and forestry</i> . State of Louisiana.
Maine	Public Laws of Maine. 1999. <i>An act to prevent the spread of invasive aquatic plants</i> ( <a href="http://janus.state.me.us/legis/ros/lom/LOM119th/5Pub701-750/5Pub701-750-21.htm">http://janus.state.me.us/legis/ros/lom/LOM119th/5Pub701-750/5Pub701-750-21.htm</a> , 20 October 2003). State of Maine.
Maryland	Annotated Code of Maryland. 1994. <i>Weed control</i> ( <a href="http://mlis.state.md.us/cgi-win/web_statutes.exe?gag&amp;9-401">http://mlis.state.md.us/cgi-win/web_statutes.exe?gag&amp;9-401</a> , 20 October 2003). State of Maryland.
Massachusetts	Bureau of Farm Products and Plant Industries. 2006. <i>Massachusetts prohibited plant list</i> ( <a href="http://www.mass.gov/agr/farmproducts/proposed_prohibited_plant_list_v12-12-05.htm">http://www.mass.gov/agr/farmproducts/proposed_prohibited_plant_list_v12-12-05.htm</a> , 23 January 2006). Massachusetts Department of Agricultural Resources.
Michigan	Pesticide and Plant Pest Management Division. 2002. <i>Noxious and restricted weeds and prohibited plants - Michigan</i> ( <a href="http://www.michigan.gov/mda/0,1607,7-125-1569_16993-11250--,00.html">http://www.michigan.gov/mda/0,1607,7-125-1569_16993-11250--,00.html</a> , 20 October 2003). Michigan Department of Agriculture.
Minnesota	Agronomy Services Division. 2003. <i>Minnesota noxious weed rules</i> ( <a href="http://www.mda.state.mn.us/appd/weeds/noxiousplantsminnesota.pdf">http://www.mda.state.mn.us/appd/weeds/noxiousplantsminnesota.pdf</a> , 20 October 2003). Minnesota Department of Agriculture.
Mississippi	Bureau of Plant Industry. 2004. <i>Regulation of noxious weeds</i> ( <a href="http://www.mdac.state.ms.us/n_library/agency_info/reg_laws/pdf/reg_plantpest_rule41.pdf">http://www.mdac.state.ms.us/n_library/agency_info/reg_laws/pdf/reg_plantpest_rule41.pdf</a> , 24 May 2006). State of Mississippi.
Missouri	Revised Statutes of Missouri. 2004. <i>Insect pests and weeds</i> ( <a href="http://www.moga.state.mo.us/STATUTES/C263.htm">http://www.moga.state.mo.us/STATUTES/C263.htm</a> , 20 October 2003). Missouri Department of Agriculture.
Montana	Montana Department of Agriculture. 2003. <i>Montana noxious weeds list</i> ( <a href="http://www.agr.state.mt.us/weedpest/noxiousweedslist.asp">http://www.agr.state.mt.us/weedpest/noxiousweedslist.asp</a> , 24 May 2006). Montana Department of Agriculture.
Nebraska	Bureau of Plant Industry. 1989. <i>Noxious weed regulations</i> ( <a href="http://www.agr.state.ne.us/division/bpi/nwp/nwp1.htm">http://www.agr.state.ne.us/division/bpi/nwp/nwp1.htm</a> , 24 May 2006). Nebraska Department of Agriculture.
Nevada	Nevada Administrative Code. 2003. <i>Control of insects, pests, and noxious weeds</i> ( <a href="http://www.leg.state.nv.us/NAC/NAC-555.html">http://www.leg.state.nv.us/NAC/NAC-555.html</a> , 20 October 2003). State of Nevada.
New Hampshire	New Hampshire Code of Administrative Rules. 2004. <i>Invasive species, Chapter Agr. 3800</i> ( <a href="http://gencourt.state.nh.us/rules/agr3800.html">http://gencourt.state.nh.us/rules/agr3800.html</a> , 15 September 2004). State of New Hampshire.
New Mexico	Office of the Director/Secretary. 1998. <i>New Mexico noxious weed list</i> ( <a href="http://nmdaweb.nmsu.edu/DIVISIONS/APR/weed.html">http://nmdaweb.nmsu.edu/DIVISIONS/APR/weed.html</a> , 20 October 2003). New Mexico Department of Agriculture.
North Carolina	North Carolina Department of Agriculture. 2003. <i>Regulations for state noxious weeds</i> ( <a href="http://www.agr.state.nc.us/plantind/plant/weed/noxweed.htm">http://www.agr.state.nc.us/plantind/plant/weed/noxweed.htm</a> , 20 October 2003). North Carolina Department of Agriculture.
North Dakota	North Dakota Century Code. 2003. <i>Noxious weed control</i> ( <a href="http://www.agdepartment.com/Programs/Plant/NoxiousWeeds.html">http://www.agdepartment.com/Programs/Plant/NoxiousWeeds.html</a> , 20 October 2003). State of North Dakota.
Ohio	Plant Industry Division. 1997. <i>Noxious weeds</i> ( <a href="http://www.ohioagriculture.gov/pubs/divs/plnt/curr/rules/plnt-901-5-37.pdf">http://www.ohioagriculture.gov/pubs/divs/plnt/curr/rules/plnt-901-5-37.pdf</a> , 20 October 2003). Ohio Department of Agriculture.
Oklahoma	Oklahoma House of Representatives. 1998. <i>House Bill 2277</i> ( <a href="http://www2.lsb.state.ok.us/os/os%5F2%2D3%2D220.rtf">http://www2.lsb.state.ok.us/os/os%5F2%2D3%2D220.rtf</a> , 20 October 2003). State of Oklahoma.

Oregon Oregon Administrative Rules. 2006. *Quarantine; noxious weeds, Chapter 603-52-1200* ([http://www.oregon.gov/ODA/PLANT/docs/pdf/603\\_052\\_1200.pdf](http://www.oregon.gov/ODA/PLANT/docs/pdf/603_052_1200.pdf), 24 May 2006). State of Oregon.  
Oregon Department of Agriculture. 2006. *Noxious weed policy and classification system* ([http://www.oregon.gov/ODA/PLANT/WEEDS/lists.shtml#Noxious\\_weed\\_policy\\_\\_\\_list](http://www.oregon.gov/ODA/PLANT/WEEDS/lists.shtml#Noxious_weed_policy___list), 24 May 2006). Oregon Department of Agriculture.

Pennsylvania Pennsylvania Department of Agriculture. 2000. *Pennsylvania noxious weed control list* (<http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?q=127683>, 20 October 2003). Pennsylvania Department of Agriculture.

South Carolina South Carolina Aquatic Nuisance Species Program. 2003. *Illegal aquatic plants in South Carolina* (<http://www.dnr.state.sc.us/water/envaff/aquatic/illegal1.html>, 20 October 2003). South Carolina Department of Natural Resources.  
State Crop Pest Commission. 1996. *Designation of plant pests* (<http://drpsp.clemson.edu/dpi/npp.htm>, 24 May 2006). State of South Carolina.

South Dakota South Dakota Code. 1992. *Plant quarantine and treatment, Chapter 38-24a, Article 12:51* (<http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=12:51:03:01>, 24 May 2006). State of South Dakota.  
South Dakota Code. 2005. *South Dakota weed and pest control, Chapter 38-22, Article 12:62* (<http://legis.state.sd.us/rules/rules/12/62/1262.doc>, 24 May 2006). State of South Dakota.

Tennessee Department of Agriculture of Tennessee. 1998. *Plant pest act* (<http://www.state.tn.us/sos/rules/0080/0080-06/0080-06-24.pdf>, 20 October 2003). Department of Agriculture of Tennessee.

Texas Texas Administrative Code. 2005. *Quarantines and noxious plants, Chapter 19* ([http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=4&pt=1&ch=19&rl=300](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=4&pt=1&ch=19&rl=300), 24 May 2006). State of Texas.

Utah Utah Department of Agriculture. 2003. *Utah noxious weed act* ([http://ag.utah.gov/plantind/nox\\_utah.html](http://ag.utah.gov/plantind/nox_utah.html), 20 October 2003). Utah Department of Agriculture.

Vermont Vermont Department of Agriculture, Food and Markets. 2003. *Quarantine #3 - noxious weeds* (<http://www.vermontagriculture.com/noxiousweeds.PDF>, 20 October 2003). Vermont Department of Agriculture, Food and Markets.

Virginia Virginia Department of Agriculture and Consumer Services. 2003. *Virginia noxious weed law* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+3.1-296.11>, 20 October 2003). Virginia Department of Agriculture and Consumer Services.

Washington Washington Administrative Code. 2005. *Noxious weed control, Chapter 16-752* (<http://apps.leg.wa.gov/wac/default.aspx?cite=16-752>, 24 May 2006). State of Washington.  
Washington Administrative Code. 2005. *State noxious weed list and schedule of monetary penalties, Chapter 16-750* (<http://apps.leg.wa.gov/WAC/default.aspx?cite=16-750>, 24 May 2006). State of Washington.

West Virginia West Virginia Department of Agriculture. 2003. *Regulations governing the distribution of plant material in West Virginia*. West Virginia Department of Agriculture.

Wisconsin Doll, J. 1990. *Noxious weeds in Wisconsin* ([http://ipcm.wisc.edu/uw\\_weeds/extension/articles/weedlaws%20in%20statutes.htm](http://ipcm.wisc.edu/uw_weeds/extension/articles/weedlaws%20in%20statutes.htm), 20 October 2003). University of Wisconsin Cooperative Extension Programs.

Wyoming Wyoming Department of Agriculture. 2003. *Designated noxious weeds and prohibited noxious weeds* ([http://www.wyoweed.org/docs/designated\\_weeds\\_pests.html](http://www.wyoweed.org/docs/designated_weeds_pests.html), 20 October 2003). Wyoming Department of Agriculture.

Symbol	Scientific Name	Common Name	Federal Noxious Status†	State Noxious Status†	Native Status*
ABTH	<i>Abutilon theophrasti</i> Medik.	velvetleaf		CO (CW), IA (SNW), OR (BDW, Q), WA (CAW, NWSPQ)	L48 (I), CAN (I)
ACME80	<i>Acacia mearnsii</i> De Wild.	black wattle		HI (NW)	L48 (I), HI (I)
ACPA8	<i>Acacia paradoxa</i> DC.	paradox acacia		CA (BW)	L48 (I)
ACNO7	<i>Acaena novae-zelandiae</i> Kirk	biddy-biddy			L48 (I)
ACNO4	<i>Acaena novae-zelandica</i> Kirk, orth. var.			CA (AW), HI (NW), OR (BDW, Q)	

ACPA14	<i>Acaena pallida</i> (Kirk) Allen	pale biddy-biddy		CA (AW)	L48 (I)
ACGI	<i>Acer ginnala</i> Maxim.	Amur maple		CT (PINB)	L48 (I), CAN (I)
ACPL	<i>Acer platanoides</i> L.	Norway maple		CT (INB), MA (P)	L48 (I), CAN (I)
ACPS	<i>Acer pseudoplatanus</i> L.	sycamore maple		CT (PIB), MA (P)	L48 (I), CAN (I)
ACBR5	<i>Achnatherum brachychaetum</i> (Godr.) Barkworth	shortbristled needlegrass		CA (AW)	L48 (I)
STBR3	<i>Stipa brachychaeta</i> Godr.			AZ (PNW)	
ACRE3	<i>Acroptilon repens</i> (L.) DC.	hardheads		AZ (PNW, RNW), CA (BW), CO (BW), HI (NW), NM (CBW), ND (NW), OR (BDW, Q), WA (CBW)	L48 (I), CAN (I)
CERE6	<i>Centaurea repens</i> L.			AK (NW), ID (NW), IA (PRNW), KS (NW), MT (CAT1), NV (NW), SC (PP), SD (NW, RNPS), UT (NW), WY (NW)	
AECY	<i>Aegilops cylindrica</i> Host	jointed goatgrass		AZ (PNW, RNW), CA (BW), CO (CW), ID (NW), NM (CCW), OR (BDW, Q), WA (CCW)	L48 (I)
AEGE	<i>Aegilops geniculata</i> Roth	ovate goatgrass			L48 (I)
AEOV2	<i>Aegilops ovata</i> L. p.p.			CA (BW), OR (ADW, Q)	
AETR	<i>Aegilops triuncialis</i> L.	barbed goatgrass		CA (BW), OR (ADW, Q)	L48 (I)
AEGIN	<i>Aeginetia</i> L.	aeginetia	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	
AEPO	<i>Aegopodium podagraria</i> L.	bishop's goutweed		CT (IB), MA (P), VT (CBW)	L48 (I), CAN (I), SPM (I)
AEIN	<i>Aeschynomene indica</i> L.	Indian jointvetch		HI (NW)	L48 (N), PR (N)
AERU	<i>Aeschynomene rudis</i> Benth.	zigzag jointvetch		CA (BW)	L48 (N), PR (N)
AEVI3	<i>Aeschynomene virginica</i> (L.) Britton, Sterns & Poggenb.	Virginia jointvetch		AR (NW)	L48 (N)
AGAD2	<i>Ageratina adenophora</i> (Spreng.) R.M. King & H. Rob.	sticky snakeroot	NW	AL (CAW), CA (Q), FL (NW), HI (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	L48 (I), HI (I)
AGRI2	<i>Ageratina riparia</i> (Regel) R.M. King & H. Rob.	spreading snakeroot		HI (NW)	HI (I)
AGGI	<i>Agrostemma githago</i> L.	common corncockle		AR (NW), SC (PP)	L48 (I), AK (I), CAN (I)
AIAL	<i>Ailanthus altissima</i> (Mill.) Swingle	tree of heaven		CT (IB), MA (P), NH (PIS), VT (CBW)	L48 (I), HI (I), CAN (I)
ALECT2	<i>Alectra</i> Thunb.	alectra	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	
ALMA12	<i>Alhagi maurorum</i> Medik.	camelthorn		CA (AW, PN), WA (CBW)	L48 (I)
ALCA	<i>Alhagi camelorum</i> Fisch.			NV (NW), TX (NP)	
ALPS3	<i>Alhagi pseudalhagi</i> (M. Bieb.) Desv. ex B. Keller & Schaparenko			AZ (PNW, RNW), CO (AW), NM (CAW), OR (ADW, Q)	

ALPE4	<i>Alliaria petiolata</i> (M. Bieb.) Cavara & Grande	garlic mustard		AL (CAW), CT (IB), MA (P), MN (PNW), NH (PIS), OR (BDW, Q), VT (CBW), WA (CAW, NWSPQ)	L48 (I), AK (I), CAN (I)
ALLIU	<i>Allium</i> L.	onion		AR (NW)	
ALNE3	<i>Allium neapolitanum</i> Cirillo	white garlic			L48 (I)
NOIN3	<i>Nothoscordum inodorum</i> (Aiton) G. Nicholson			CA (BW)	
ALPA20	<i>Allium paniculatum</i> L.	Mediterranean onion		CA (BW)	L48 (I)
ALVI	<i>Allium vineale</i> L.	wild garlic		CA (BW), HI (NW)	L48 (I), AK (I), CAN (I)
ALVIC3	<i>Allium vineale</i> L. ssp. <i>compactum</i> (Thuill.) Coss. & Germ.	compact onion		HI (NW)	L48 (I)
ALMY	<i>Alopecurus myosuroides</i> Huds.	slender meadow foxtail		WA (CBW)	L48 (I), CAN (N)
ALTER2	<i>Alternanthera</i> Forssk.	joyweed		AR (NW)	
ALPH	<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	alligatorweed		AL (CCW), AZ (PNW), CA (AW), FL (PAP1), SC (ILAP, PP), TX (NP)	L48 (I), PR (I)
ALSE4	<i>Alternanthera sessilis</i> (L.) R. Br. ex DC.	sessile joyweed	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	L48 (I), HI (I), PR (N), VI (N)
ALCO16	<i>Alyssum corsicum</i> Duby	yellowtuft		OR (NW)	L48 (I)
ALMU	<i>Alyssum murale</i> Waldst. & Kit.	yellowtuft		OR (NW)	L48 (I), CAN (I)
AMAR2	<i>Ambrosia artemisiifolia</i> L. <sup>1</sup>	annual ragweed		IL (NW), OR (BDW, Q)	L48 (NI), HI (I), CAN (N)
AMARE	<i>Ambrosia artemisiifolia</i> L. var. <i>elatior</i> (L.) Descourtils	annual ragweed			L48 (I), HI (I), CAN (N)
AMEL2	<i>Ambrosia elatior</i> L.			MI (NW)	
AMGR5	<i>Ambrosia grayi</i> (A. Nelson) Shinnars	woollyleaf bur ragweed		KS (NW)	L48 (N)
AMTO3	<i>Ambrosia tomentosa</i> Nutt.	skeletonleaf bur ragweed		ID (NW), OR (ADW, Q)	L48 (N)
FRDI3	<i>Franseria discolor</i> Nutt.			WY (NW)	
AMTR	<i>Ambrosia trifida</i> L. <sup>1</sup>	great ragweed		CA (BW), DE (NW), IL (NW)	L48 (N), CAN (N)
AMFR	<i>Amorpha fruticosa</i> L.	false indigo bush		CT (PIB), WA (CBW, NWSPQ)	L48 (N), CAN (N)
AMBR7	<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	Amur peppervine		CT (PINB), MA (P)	L48 (I)
ANAR16	<i>Anchusa arvensis</i> (L.) M. Bieb.	small bugloss		WA (CBW)	L48 (I), CAN (I)
ANOF	<i>Anchusa officinalis</i> L.	common bugloss		OR (BDW, Q), WA (CBW, NWSPQ)	L48 (I), CAN (I)
ANBI	<i>Andropogon bicornis</i> L.	barbas de indio		HI (NW)	L48 (I), PR (N), VI (N)
ANVI2	<i>Andropogon virginicus</i> L.	broomsedge bluestem		HI (NW)	(I), L48 (N), HI (I), PR (N), CAN (N)
ANCR2	<i>Anoda cristata</i> (L.) Schtdl.	crested anoda		CO (BW)	L48 (N), PR (N)

ANCO6	<i>Anredera cordifolia</i> (Ten.) Steenis	heartleaf madeiravine		HI (NW)	L48 (I), HI (I), PR (I)
ANAR6	<i>Anthemis arvensis</i> L.	corn chamomile		CO (BW)	L48 (I), HI (I), CAN (I)
ANCO2	<i>Anthemis cotula</i> L.	stinking chamomile		CO (BW), NV (NW)	L48 (I), AK (I), HI (I), CAN (I)
ANSY	<i>Anthriscus sylvestris</i> (L.) Hoffm.	wild chervil		MA (P), WA (CBW, NWSPQ)	L48 (I), CAN (I), GL (I)
ARSE8	<i>Araujia sericifera</i> Brot.	white bladderflower		CA (BW)	L48 (I)
ARMI2	<i>Arctium minus</i> Bernh.	lesser burdock		CO (CW), WY (NW)	L48 (I), CAN (I), SPM (I)
ARCA45	<i>Arctotheca calendula</i> (L.) Levyns	Capeweed		CA (AW)	L48 (I)
AREL4	<i>Ardisia elliptica</i> Thunb.	shoebuttan		HI (NW)	L48 (I), HI (I)
ARAB3	<i>Artemisia absinthium</i> L.	absinthium		CO (BW), ND (NW), WA (CCW)	L48 (I), CAN (I)
ARHI3	<i>Arthraxon hispidus</i> (Thunb.) Makino	small carpgrass		CT (PIB), MA (P)	L48 (I), HI (I)
ARDO4	<i>Arundo donax</i> L.	giant reed		TX (NP)	L48 (I), HI (I), PR (I), VI (I)
ASFI2	<i>Asphodelus fistulosus</i> L.	onionweed	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NM (CAW), NC (CAW), OR (Q), SC (PP), VT (CAW)	L48 (I)
AVST	<i>Avena sterilis</i> L.	animated oat	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	L48 (I), CAN (W)
AZPI	<i>Azolla pinnata</i> R. Br.	feathered mosquitofern	NW	AL (CAW), CA (Q), MA (P), NC (CAW), OR (Q), SC (ILAP, PP), VT (CAW)	L48 (I)
BASC5	<i>Bassia scoparia</i> (L.) A.J. Scott	burningbush			L48 (I), CAN (I)
KOSC	<i>Kochia scoparia</i> (L.) Schrad.			CT (PIB), OR (BDW, Q), WA (CBW, NWSPQ)	CAN (I)
BERBE	<i>Berberis</i> L. <sup>2</sup>	barberry		MI (P)	
BETH	<i>Berberis thunbergii</i> DC.	Japanese barberry		CT (INB), MA (P)	L48 (I), CAN (I)
BEVU	<i>Berberis vulgaris</i> L.	common barberry		CT (IB), MA (P), NH (PIS)	L48 (I), CAN (I)
BEIN2	<i>Berteroa incana</i> (L.) DC.	hoary alyssum		MI (NW)	L48 (I), AK (I), CAN (I)
BOFR2	<i>Bocconia frutescens</i> L.	parrotweed		HI (NW)	HI (I), PR (N)
BRSY	<i>Brachypodium sylvaticum</i> (Huds.) P. Beauv.	slender false brome		OR (BDW, Q)	L48 (I)
BRASS2	<i>Brassica</i> L.	mustard		MI (NW)	
BRRA2	<i>Bromus racemosus</i> L.	bald brome			L48 (I), AK (I), CAN (I)
BRCO4	<i>Bromus commutatus</i> Schrad.			AR (NW)	CAN (I)
BRSE	<i>Bromus secalinus</i> L.	rye brome		AR (NW)	L48 (I), AK (I), HI (I), CAN (I)

BRTE	<i>Bromus tectorum</i> L.	cheatgrass	CO (CW), CT (PIB)	L48 (I), AK (I), HI (I), CAN (I), GL (I)
BRAL4	<i>Bryonia alba</i> L.	white bryony	WA (CBW)	L48 (I)
BUDA2	<i>Buddleja davidii</i> Franch. <sup>3</sup>	orange eye butterflybush	OR (BDW, Q), WA (CCW)	L48 (I), HI (I), PR (I), CAN (I)
BUUM	<i>Butomus umbellatus</i> L.	flowering rush	CT (PIB), VT (CBW), WA (WAWQ)	L48 (I), CAN (I)
CACA	<i>Cabomba caroliniana</i> A. Gray	Carolina fanwort	CA (QW), CT (IB), ME (IAP), MA (P), VT (CAW), WA (CBW, WAWQ)	L48 (N), CAN (N)
CAST	<i>Callitriche stagnalis</i> Scop.	pond water-starwort	CT (PIB)	L48 (I), CAN (I), SPM (I)
CASE13	<i>Calystegia sepium</i> (L.) R. Br.	hedge false bindweed	TX (NP)	L48 (NI), AK (I), CAN (N), SPM (I)
CASE5	<i>Calystegia sepium</i> (L.) R. Br. ssp. <i>sepium</i>	hedge false bindweed		L48 (I), AK (I)
COSE14	<i>Convolvulus sepium</i> L.		AR (NW)	
CASA3	<i>Cannabis sativa</i> L.	marijuana	IL (NW), MN (PNW), MO (NW), PA (NW), WV (NW)	L48 (I), HI (I), PR (I), CAN (I)
CAIM	<i>Cardamine impatiens</i> L.	narrowleaf bittercress	CT (IB), MA (P)	L48 (I), CAN (I)
CACH42	<i>Cardaria chalepensis</i> (L.) Hand.-Maz.	lenspod whitetop		L48 (I), CAN (I)
CACH10	<i>Cardaria chalapensis</i> (L.) Hand.-Maz., orth. var.		AZ (PNW), CA (BW), OR (BDW, Q)	CAN (I)
CADR	<i>Cardaria draba</i> (L.) Desv.	whitetop	AK (NW), AZ (PNW, RNW), CA (BW), CO (BW), ID (NW), KS (NW), MT (CAT1), NV (NW), NM (CAW), OR (BDW, Q), SD (NW, RNPS), UT (NW), WA (CCW), WY (NW)	L48 (I), CAN (I)
LEDR	<i>Lepidium draba</i> L.		IA (PRNW)	
CAPU6	<i>Cardaria pubescens</i> (C.A. Mey.) Jarmolenko	hairy whitetop	AK (NW), AZ (PNW), CA (BW), HI (NW), OR (BDW, Q), WA (CCW), WY (NW)	L48 (I), CAN (I)
CAHA13	<i>Cardiospermum halicacabum</i> L.	balloon vine	AL (CCW), AR (NW), SC (PP), TX (NP)	L48 (I), HI (I), PR (N), VI (N)
CARDU	<i>Carduus</i> L.	plumeless thistle	AR (NW), IA (PRNW)	
CAAC	<i>Carduus acanthoides</i> L.	spiny plumeless thistle	AZ (PNW), CA (AW), CO (BW), MD (NW), MN (PNW), NE (NW), NC (CBW), OR (ADW, Q), SD (RNPS), WA (CBW, NWSPQ), WV (NW), WY (NW)	L48 (I), CAN (I)
CACR2	<i>Carduus crispus</i> L.	curly plumeless thistle	WV (NW)	L48 (I), CAN (I)
CANU4	<i>Carduus nutans</i> L.	nodding plumeless thistle	CA (AW), CO (BW), ID (NW), IL (NW), KS (NW), KY (NW), MD (NW), MN (PNW), MO (NW), NE (NW), NV (NW), NM (CBW), NC (CBW), ND (NW), OH (PNW), OK (NW), OR (BDW, Q), PA (NW), SD (RNPS), UT (NW), WA (CBW, NWSPQ), WV (NW), WY (NW)	L48 (I), CAN (I)
CAPY2	<i>Carduus pycnocephalus</i> L.	Italian plumeless thistle	CA (CW), OR (BDW, Q), WA (CAW, NWSPQ)	L48 (I), HI (I)



CATE2	<i>Carduus tenuiflorus</i> W. Curtis	winged plumeless thistle		CA (CW), OR (BDW, Q), WA (CAW, NWSPQ)	L48 (I)
CAKO2	<i>Carex kobomugi</i> Ohwi	Japanese sedge		CT (PIB), MA (P)	L48 (I)
CALA20	<i>Carthamus lanatus</i> L.	woolly distaff thistle		CA (BW), OR (ADW, Q)	L48 (I), CAN (I)
CALAC3	<i>Carthamus lanatus</i> L. ssp. <i>creticus</i> (L.) Holmboe	woolly distaff thistle			L48 (I), CAN (I)
CABA5	<i>Carthamus baeticus</i> (Boiss. & Reut.) Nyman			CA (BW), OR (ADW, Q)	
CALE52	<i>Carthamus leucocaulos</i> Sm.	whitestem distaff thistle		CA (AW)	L48 (I)
CAOX6	<i>Carthamus oxyacanthus</i> M. Bieb.	jeweled distaff thistle			L48 (I)
CAOX2	<i>Carthamus oxyacantha</i> M. Bieb., orth. var.		NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	
CACA19	<i>Carum carvi</i> L.	caraway		CO (BW)	L48 (I), CAN (I), GL (I), SPM (I)
CASUA	<i>Casuarina</i> Rumph. ex L.	sheoak		FL (PAP1)	
CATA5	<i>Caulerpa taxifolia</i> (Vahl) C. Agardh <sup>4</sup>	killer alga	NW	AL (CAW), MA (P), NC (CAW), OR (Q), SC (ILAP, PP), VT (CAW)	L48 (I)
CEOR7	<i>Celastrus orbiculatus</i> Thunb.	Oriental bittersweet		CT (IB), MA (P), NH (PIS), NC (CCW), VT (CBW)	L48 (I), CAN (I)
CEEC	<i>Cenchrus echinatus</i> L.	southern sandbur		AZ (PNW, RGNW), CA (CW)	(N), L48 (N), HI (I), PR (N), VI (N)
CELO3	<i>Cenchrus longispinus</i> (Hack.) Fernald	mat sandbur		CA (CW), WA (CBW)	L48 (N), CAN (N)
CESP4	<i>Cenchrus spinifex</i> Cav.	coastal sandbur			L48 (N), PR (N), VI (N)
CEIN4	<i>Cenchrus incertus</i> M.A. Curtis			AZ (PNW, RGNW), CA (CW)	
CECA2	<i>Centaurea calcitrapa</i> L.	red star-thistle		AZ (PNW), CA (BW), NV (NW), NM (CAW), OR (ADW, Q), WA (CAW, NWSPQ)	L48 (I), CAN (I)
CEDI3	<i>Centaurea diffusa</i> Lam.	diffuse knapweed		AZ (PNW, RNW), CA (AW), CO (BW), ID (NW), MT (CAT1), NE (NW), NV (NW), NM (CAW), ND (NW), OR (BDW, Q), SD (RNPS), UT (NW), WA (CBW, NWSPQ), WY (NW)	L48 (I), CAN (I)
CEIB	<i>Centaurea iberica</i> Trevir. ex Spreng.	Iberian knapweed		AZ (PNW), CA (AW), NV (NW), OR (ADW, Q)	L48 (I)
CEJA	<i>Centaurea jacea</i> L.	brownray knapweed		WA (CBW, NWSPQ)	L48 (I), CAN (I), GL (I)
CEMA9	<i>Centaurea macrocephala</i> Puschk. ex Willd.	bighead knapweed		WA (CAW, NWSPQ)	L48 (I), CAN (I)
CEME2	<i>Centaurea melitensis</i> L.	Maltese star-thistle		NV (NW), NM (CBW)	L48 (I), HI (I), CAN (I)
CENI2	<i>Centaurea nigra</i> L.	lesser knapweed		WA (CBW, NWSPQ)	L48 (I), CAN (I), SPM (I)
CENI3	<i>Centaurea nigrescens</i> Willd.	Tyrol knapweed		OR (BDW, Q), WA (CAW, NWSPQ)	L48 (I), CAN (I)
CEPR2	<i>Centaurea pratensis</i> Thuill., nom. illeg., non Salisb.			CO (AW), ID (NW), OR (BDW, Q)	

CESO3	<i>Centaurea solstitialis</i> L.	yellow star-thistle		AZ (PNW, RNW), CA (CW), CO (AW), ID (NW), MT (CAT3), NV (NW), NM (CAW), ND (NW), OR (BDW, Q), SD (RNPS), UT (NW), WA (CBW)	L48 (I), CAN (I)
CESTM	<i>Centaurea stoebe</i> L. ssp. <i>micranthos</i> (Gugler) Hayek	spotted knapweed			L48 (I), HI (I), CAN (I)
CEBI2	<i>Centaurea biebersteinii</i> DC.			CT (IB), MA (P), WA (CBW, NWSPQ)	
CEMA4	<i>Centaurea maculosa</i> auct. non Lam.			AZ (PNW, RNW), CA (AW), CO (BW), ID (NW), MT (CAT1), NE (NW), NV (NW), NM (CAW), ND (NW), OR (BDW, Q), SD (RNPS), UT (NW), WY (NW)	
CESU	<i>Centaurea sulphurea</i> Willd.	sulphur knapweed		AZ (PNW), CA (BW)	L48 (I)
CEVI	<i>Centaurea virgata</i> Lam.	squarrose knapweed		CO (AW), OR (ADW, Q)	L48 (I)
CEVIS2	<i>Centaurea virgata</i> Lam. ssp. <i>squarrosa</i> (Willd.) Gugler	squarrose knapweed			L48 (I)
CESQ	<i>Centaurea squarrosa</i> Willd.			AZ (PNW), CA (AW), UT (NW)	
CEVIS	<i>Centaurea virgata</i> Lam. var. <i>squarrosa</i> (Willd.) Boiss.			NV (NW)	
CEPUP6	<i>Centromadia pungens</i> (Hook. & Arn.) Greene ssp. <i>pungens</i>	common tarweed			L48 (N)
HEPU5	<i>Hemizonia pungens</i> (Hook. & Arn.) Torr. & A. Gray			OR (BDW, Q), WA (CCW)	
CEHI3	<i>Cereus hildmannianus</i> K. Schum.	hedge cactus			HI (I), PR (I)
CEUR	<i>Cereus uruguayanus</i> auct. non Kiesling			HI (NW)	
CHMI	<i>Chaenorhinum minus</i> (L.) Lange	dwarf snapdragon		WA (NWSPQ)	L48 (I), CAN (I)
CHJU	<i>Chondrilla juncea</i> L.	rush skeletonweed		AZ (PNW), CA (AW), CO (AW), ID (NW), MT (CAT3), NV (NW), OR (BDW, Q), SD (RNPS), WA (CBW)	L48 (I), CAN (I)
CHTE2	<i>Chorispora tenella</i> (Pall.) DC.	crossflower		CA (BW)	L48 (I), CAN (W)
CHOD	<i>Chromolaena odorata</i> (L.) R.M. King & H. Rob.	Jack in the bush		HI (NW)	L48 (N), PR (N), VI (I)
CHAC	<i>Chrysopogon aciculatus</i> (Retz.) Trin.	golden false beardgrass	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	HI (I)
CIIN	<i>Cichorium intybus</i> L.	chicory		CO (CW)	L48 (I), CAN (I), SPM (I)
CIMA2	<i>Cicuta maculata</i> L.	spotted water hemlock		NV (NW)	L48 (N), AK (N), CAN (N)
CIRSI	<i>Cirsium</i> Mill.	thistle		AR (NW), IA (PRNW)	
CIAR4	<i>Cirsium arvense</i> (L.) Scop.	Canada thistle		AK (NW), AZ (PNW), CA (BW), CO (BW), CT (PIB), DE (NW), HI (NW), ID (NW), IL (NW), IN (NW), IA (PRNW), KS (NW), KY (NW), MD (NW), MI (NW), MN (PNW), MO (NW), MT (CAT1), NE (NW), NV (NW), NM (CAW), NC (CBW), ND (NW), OH (PNW), OK (NW), OR	L48 (I), AK (I), CAN (I), GL (I), SPM (I)

				(BDW, Q), PA (NW), SD (NW, RNPS), UT (NW), WA (CCW), WI (NW), WY (NW)	
CIJA2	<i>Cirsium japonicum</i> Fisch. ex DC.	Japanese thistle		CA (QW)	
CIOC2	<i>Cirsium ochrocentrum</i> A. Gray	yellowspine thistle		CA (AW)	L48 (N)
CIUN	<i>Cirsium undulatum</i> (Nutt.) Spreng.	wavyleaf thistle		CA (AW)	L48 (N), CAN (N)
CIVU	<i>Cirsium vulgare</i> (Savi) Ten.	bull thistle		CO (BW), MD (NW), MN (PNW), NM (CBW), OR (BDW, Q), PA (NW), WA (CCW)	L48 (I), AK (I), HI (I), CAN (I), SPM (I)
CILA8	<i>Cirsium lanceolatum</i> (L.) Scop., non Hill			IA (PRNW)	
CIREU	<i>Citrus reticulata</i> Blanco ssp. <i>unshiu</i> (Marcow.) D.Rivera Núñez et al.	Unshu orange		SC (PP)	
CLOR	<i>Clematis orientalis</i> L.	Oriental virginsbower		CO (BW)	L48 (I), CAN (I)
CLVI6	<i>Clematis vitalba</i> L.	evergreen clematis		OR (BDW, Q), WA (CCW)	L48 (I), CAN (I)
CLHIH2	<i>Clidemia hirta</i> (L.) D. Don var. <i>hirta</i>	soapbush		HI (NW)	L48 (N)
CNBE	<i>Cnicus benedictus</i> L.	blessed thistle		SC (PP)	L48 (I), CAN (I)
COGR9	<i>Coccinia grandis</i> (L.) Voigt	ivy gourd		HI (NW)	(I), L48 (I), HI (I), VI (I)
COBE2	<i>Commelina benghalensis</i> L.	jio	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	L48 (I), HI (I), PR (I)
COMA2	<i>Conium maculatum</i> L.	poison hemlock		CO (CW), ID (NW), IA (SNW), NV (NW), NM (CBW), OH (PNW), OR (BDW, Q), WA (CCW)	L48 (I), CAN (I)
COAR4	<i>Convolvulus arvensis</i> L.	field bindweed		AK (NW), AZ (PNW, RGNW), AR (NW), CA (CW), CO (CW), HI (NW), ID (NW), IA (PRNW), KS (NW), MI (NW), MN (PNW), MO (NW), MT (CAT1), NM (CCW), ND (NW), OR (BDW, Q), SD (RNPS), TX (NP), UT (NW), WA (CCW), WI (NW), WY (NW)	L48 (I), HI (I), CAN (I)
COSQ	<i>Coronopus squamatus</i> (Forssk.) Asch.	greater swinecress		AZ (PNW), CA (BW)	L48 (I), CAN (I)
COJU2	<i>Cortaderia jubata</i> (Lem.) Stapf	purple pampas grass		HI (NW)	L48 (I), HI (I)
CRHE5	<i>Crassula helmsii</i> A. Berger	swamp stonecrop		FL (PAP1), NC (CAW), WA (WAWQ)	
CROTA	<i>Crotalaria</i> L.	rattlebox		AR (NW)	
CRVU2	<i>Crupina vulgaris</i> Cass.	common crupina	NW	AL (CAW), CA (AW, Q), CO (AW), FL (NW), ID (NW), MA (P), MN (PNW), MT (CAT3), NV (NW), NC (CAW), OR (BDW, Q), SC (PP), SD (RNPS), VT (CAW), WA (CAW, NWSPQ)	L48 (I)
CUME	<i>Cucumis melo</i> L.	cantaloupe			(I), L48 (I), PR (I), CAN (W)
CUMED	<i>Cucumis melo</i> L. var. <i>dudaim</i> (L.) Naud.			AZ (PNW), CA (AW)	

CUMY	<i>Cucumis myriocarpus</i> E. Mey. ex Naud.	gooseberry gourd		CA (BW)	L48 (I)
CUAN4	<i>Cupaniopsis anacardioides</i> (A. Rich.) Radlk.	carrotwood		FL (NW)	L48 (I)
CUSCU	<i>Cuscuta</i> L. <sup>5, 6</sup>	dodder	NW	AL (CAW), AZ (PNW, RNW), AR (NW), CA (CW, Q), FL (NW), MA (P), MI (NW), MN (PNW), NC (CAW), OR (BDW, Q), SC (PP), SD (RNPS), VT (CAW)	
CUAP2	<i>Cuscuta approximata</i> Bab.	alfalfa dodder		WA (CCW)	L48 (I), CAN (I)
CUJA	<i>Cuscuta japonica</i> Choisy	Japanese dodder		TX (NP)	L48 (I)
CURE	<i>Cuscuta reflexa</i> Roxb.	giant dodder		CA (AW)	L48 (I)
CYRE	<i>Cymbopogon refractus</i> (R. Br.) A. Camus	barbwire grass		HI (NW)	HI (I)
CYLO11	<i>Cynanchum louiseae</i> Kartesz & Gandhi	Louise's swallow-wort		CT (IB), MA (P)	L48 (I), CAN (I)
CYNI	<i>Cynanchum nigrum</i> (L.) Pers., non Cav.			NH (PIS)	
VINI3	<i>Vincetoxicum nigrum</i> (L.) Moench			VT (CBW)	
CYRO8	<i>Cynanchum rossicum</i> (Kleopow) Borhidi	European swallow-wort		CT (IB), MA (P), NH (PIS)	L48 (I), CAN (I)
CYVI3	<i>Cynanchum vincetoxicum</i> (L.) Pers.	white swallow-wort			L48 (I), CAN (I)
VIHI3	<i>Vincetoxicum hirundinaria</i> Medik.			VT (CAW)	
CYCA	<i>Cynara cardunculus</i> L.	cardoan		CA (BW)	L48 (I)
CYNOD	<i>Cynodon</i> Rich.	Bermudagrass		CA (CW)	
CYDA	<i>Cynodon dactylon</i> (L.) Pers. <sup>7</sup>	Bermudagrass		AR (NW), UT (NW)	(I), L48 (I), HI (I), PR (I), VI (I), CAN (W), SPM (W)
CYOF	<i>Cynoglossum officinale</i> L.	gypsyflower		CO (BW), MT (CAT1), NV (NW), OR (BDW, Q), WA (CBW), WY (NW)	L48 (I), CAN (I)
CYES	<i>Cyperus esculentus</i> L.	yellow nutsedge		CA (BW), CO (BW), HI (NW), OR (BDW, Q), WA (CBW, Q)	L48 (NI), HI (I), PR (I), VI (I), CAN (I)
CYRO	<i>Cyperus rotundus</i> L.	nutgrass		AR (NW), CA (BW), OR (ADW, Q), WA (Q)	(I), L48 (I), HI (I), PR (I), VI (I)
CYSC4	<i>Cytisus scoparius</i> (L.) Link	Scotch broom		CA (CW), HI (NW), ID (NW), OR (BDW, Q), WA (CBW, NWSPQ)	L48 (I), AK (I), HI (I), CAN (I)
CYSCA	<i>Cytisus scoparius</i> (L.) Link var. <i>andreaanus</i> (Puiss.) Dippel	Scotch broom		HI (NW)	L48 (I)
CYSCS2	<i>Cytisus scoparius</i> (L.) Link var. <i>scoparius</i>	Scotch broom		HI (NW)	L48 (I), HI (I), CAN (I)
CYST7	<i>Cytisus striatus</i> (Hill) Rothm.	striated broom		OR (BDW, Q)	L48 (I)
DAST	<i>Datura stramonium</i> L.	jimsonweed		CT (PIB), PA (NW)	L48 (I), HI (I), PR (I), VI (I), CAN (I)

DACA6	<i>Daucus carota</i> L.	Queen Anne's lace		IA (SNW), MI (NW), OH (PNW), WA (CBW, NWSPQ)	L48 (I), PR (I), CAN (I), SPM (I)
DICI2	<i>Dichrostachys cinerea</i> (L.) Wight & Arn.	aroma		HI (NW)	L48 (I)
DINU6	<i>Dichrostachys nutans</i> Benth.			HI (NW)	
DIAB	<i>Digitaria abyssinica</i> (Hochst. ex A. Rich.) Stapf	African couchgrass		MA (P)	HI (I)
DISC5	<i>Digitaria scalarum</i> (Schweinf.) Chiov.		NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	
DIVE2	<i>Digitaria velutina</i> (Forssk.) P. Beauv.	velvet crabgrass	NW	AL (CAW), CA (Q), FL (NW), MA (P), MN (PNW), NC (CAW), OR (Q), SC (PP), VT (CAW)	L48 (I)
DIAL2	<i>Dioscorea alata</i> L.	water yam		FL (NW)	L48 (I), PR (I), VI (I)
DIBU	<i>Dioscorea bulbifera</i> L.	air yam		AL (CAW), FL (NW)	L48 (I), HI (I), PR (I)
DIFU2	<i>Dipsacus fullonum</i> L.	Fuller's teasel		CO (BW), IA (SNW), MO (NW), NM (CBW)	L48 (I), CAN (I)
DILA4	<i>Dipsacus laciniatus</i> L.	cutleaf teasel		CO (BW), IA (SNW), MO (NW), OR (BDW, Q)	L48 (I), CAN (I)
DISA9	<i>Dipsacus sativus</i> (L.) Honck.	Indian teasel		IA (SNW)	L48 (I)
DRAR7	<i>Drymaria arenarioides</i> Humb. & Bonpl. ex Schult. [excluded]	sandwort drymary	NW	AL (CAW), AZ (PNW), CA (Q), FL (NW), MA (P), MN (PNW), NM (CAW), NC (CAW), OR (Q), SC (PP), VT (CAW)	
ECCR	<i>Echinochloa crus-galli</i> (L.) P. Beauv.	barnyardgrass		AR (NW)	(I), L48 (I), HI (I), PR (I), CAN (W), SPM (W)
ECPL	<i>Echium plantagineum</i> L.	salvation jane		OR (ADW, Q)	L48 (I), CAN (I)
ECVU	<i>Echium vulgare</i> L.	common viper's bugloss		WA (CBW, NWSPQ)	L48 (I), AK (I), CAN (W), SPM (I)
EGDE	<i>Egeria densa</i> Planch.	Brazilian waterweed		AL (CCW), CT (PIB), ME (IAP), MA (P), SC (ILAP, PP), VT (CAW), WA (CBW, WAWQ)	L48 (I), HI (I), PR (I), CAN (W)
ELDE3	<i>Elodea densa</i> (Planch.) Caspary			OR (BDW, Q)	
EICHH	<i>Eichhornia</i> Kunth	water hyacinth		FL (PAP1)	
EIAZ2	<i>Eichhornia azurea</i> (Sw.) Kunth	anchored water hyacinth	NW	AL (CAW), AZ (PNW), CA (Q), MA (P), NC (CAW), OR (Q), SC (ILAP, PP), TX (NP), VT (CAW)	L48 (I), PR (I)
EICR	<i>Eichhornia crassipes</i> (Mart.) Solms	common water hyacinth		AL (CCW), AZ (PNW, RGNW, RNW), CA (CW), CT (PINB), SC (ILAP, PP), TX (NP)	(I), L48 (I), HI (I), PR (I), VI (I), CAN (W)
ELAN	<i>Elaeagnus angustifolia</i> L.	Russian olive		CO (BW), CT (PIB), NM (CCW)	L48 (I), CAN (I)
ELUM	<i>Elaeagnus umbellata</i> Thunb.	autumn olive		CT (IB), MA (P), NH (PIS), WV (NW)	L48 (I), HI (I), CAN (I)
ELMO5	<i>Elephantopus mollis</i> Kunth	soft elephantsfoot		HI (NW)	HI (I), PR (N), VI (N)

VOCU	<i>Vossia cuspidata</i> Griff.	hippo grass	FL (PAP1)	
XANTH2	<i>Xanthium</i> L.	cocklebur	AR (NW)	
XASP2	<i>Xanthium spinosum</i> L.	spiny cocklebur	OR (BDW, Q), WA (CCW)	L48 (I), CAN (I)
XASTC	<i>Xanthium strumarium</i> L. var. <i>canadense</i> (Mill.) Torr. & A. Gray	Canada cocklebur		(I), L48 (N), HI (I), CAN (N)
XACO	<i>Xanthium commune</i> Britton		IA (SNW)	
ZYFA	<i>Zygophyllum fabago</i> L.	Syrian beancaper	CA (AW), ID (NW), OR (ADW, Q), WA (CAW, NWSPQ)	L48 (I)

**†Code Noxious Status**

ADW	"A" designated weed
AW	A list (noxious weeds)
BDW	"B" designated weed
BW	B list (noxious weeds)
CAT1	Category 1 noxious weed
CAT2	Category 2 noxious weed
CAT3	Category 3 noxious weed
CAW	Class A noxious weed
CBW	Class B noxious weed
CCW	Class C noxious weed
CW	C list (noxious weeds)
IAP	Invasive aquatic plant
IB	Invasive, banned
ILAP	Invasive aquatic plant
INB	Invasive, not banned
NAW	Noxious aquatic weed
NP	Noxious plant
NUW	Nuisance weed
NW	Noxious weed
NWSPQ	Noxious weed seed and plant quarantine
P	Prohibited
PAP1	Prohibited aquatic plant, Class 1
PAP2	Prohibited aquatic plant, Class 2
PIB	Potentially invasive, banned
PINB	Potentially invasive, not banned
PIS	Prohibited Invasive Species
PN	Public nuisance
PNW	Prohibited noxious weed
PP	Plant pest
PR	Permit required
PRNW	Primary noxious weed
Q	Quarantine
QW	Q list (temporary "A" list noxious weed, pending final determination)
RGNW	Regulated noxious weeds
RNPS	Regulated non-native plant species
RNW	Restricted noxious weed
SNW	Secondary noxious weed

SP Sale prohibited  
WAWQ Wetland and aquatic weed quarantine

**\*Code Native Status**

I Introduced  
N Native  
N? Probably Native  
NI Native and Introduced  
W Waif

**\*Code Native Status Jurisdiction**

None  
L48 Lower 48 States  
AK Alaska  
HI Hawaii  
PR Puerto Rico  
VI Virgin Islands  
CAN Canada  
GL Greenland  
SPM St. Pierre and Miquelon

- 1 IL; within the corporate limits of cities, villages, and incorporated towns  
2 MI; bushes subject to attack by black stem rust are prohibited  
3 OR; except named horticultural varieties  
4 US, AL, NC, OR, SC, VT; Mediterranean clone  
5 US, AL, CA, MN, NC, SC, VT; other than native or widely distributed species  
6 FL; Only the native Florida species are excluded from this list. These include: *C. americana*, *C. compacta*, *C. exaltata*, *C. gronovii*, *C. indecora*, *C. obtusiflora*, *C. pentagona*, *C. umbellata*  
7 UT; Bermudagrass shall not be a noxious weed in Washington County and shall not be subject to provisions of the Utah noxious Weed Act within the boundaries of the county  
8 WA; only cultivars 'Baltica', 'Pittsburgh', 'Star'  
9 WA; only cultivar 'Hibernica'  
10 WA; non-native *Hieracium* species except those listed as Class A or Class B  
11 OR; *Imperata cylindrica* 'Red Baron' is excluded from quarantine  
12 AZ; all species except *Ipomoea carnea*, Mexican bush morning glory, *I. triloba*, three-lobed morning glory, and *I. arborescens*, morning glory tree  
13 NC; any *Lythrum* spp. not native to North Carolina  
14 WI; any nonnative member of the genus *Lythrum* or hybrids thereof  
15 MI; any nonnative member of the genus *Lythrum* or hybrid of the genus is prohibited from sale  
16 PA; including all cultivars  
17 TN; and related cultivars  
18 WA; any hybrid cross  
19 IA; it is illegal to import, sell, offer for sale, or distribute the seeds or the plants of purple loosestrife in any form  
20 US, AL, CA, MN, NC, OR, SC, VT; other than native or widely distributed species  
21 FL; with the exception of *O. uniflora*  
22 WA; non-native genotypes  
23 IA; except *R. frangula*  
24 MI; planting of currants and gooseberries in certain parts of the State of Michigan is prohibited  
25 MO; except when cultivated for or used as understock for cultivated roses  
26 IA; not considered a noxious weed when used as a rootstock for cultivated roses  
27 NC; all except *S. minima*  
28 FL; excluding *S. minima*  
29 WA; in hay  
30 IA; not a noxious weed when cultivated  
31 OH; when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years

Time Generated: 12/19/2014 03:57 PM CST

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**Exhibit O**

Published on ASPCA (<http://www.aspca.org>)

[Home](#) > Marijuana

## Marijuana

**Additional Common Names:**

Indian Hemp, Hashish

**Scientific Name:**

Cannabis sativa

**Family:**

Cannabaceae

**Where Found:****Toxic Principles:**

Delta-9-THC (tetrahydrocannabinol)

**Clinical Signs:**

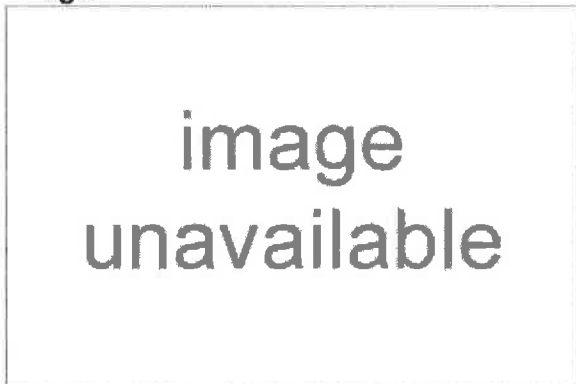
Prolonged depression, vomiting, incoordination, sleepiness or excitation, hypersalivation, dilated pupils, low blood pressure, low body temperature, seizure, coma, death (rare)

**Teaser Blurb:**

If you think that your animal is ill or may have ingested a poisonous substance, contact your local veterinarian or our 24-hour emergency poison hotline directly at 1-888-426-4435.

**Site map:**

[Toxic and Non-Toxic Plants](#)

**Image:****Toxicity:**

Toxic to Horses

Toxic to Cats

Toxic to Dogs

**Non-Toxicity:****Sitecore itemid:**

e39419e0-7750-4de8-ab71-6136cc51ba94

**Sitecore key:**

marijuana



**Sitecore path:**

/sitecore/content/Home/Pet-care/poison-control/Plants/marijuana

**Source URL:** <http://www.aspca.org/pet-care/animal-poison-control/toxic-and-non-toxic-plants/marijuana?splash=>

# Water resource rules and regulations for marijuana growing in Washington state

Under Initiative 502, Washington voters in 2012 approved licensing for the production, possession, delivery and sale of marijuana.

The initiative makes marijuana subject to the same water use regulations as any other commercial crop in Washington state.

Water availability for outdoor growing operations can vary significantly from county to county or water source to water source. Generally, outdoor growing operations have three options for supplying water to plants:

- Obtaining water from a water right purveyor such as a public utility district or irrigation district.
- Relying on the water right permit exemption for small uses of water.
- Obtaining a water right permit.

### **Q: How do I obtain a water right permit in Washington state?**

**A:** First check if your property is in an area that allows you to withdraw a limited amount of groundwater under the permit-exemption. This is a simpler solution (see next question).

If you cannot use the exemption, a permit is typically obtained by acquiring land with a water right certificate attached to it. If you are a new owner of the property, you must apply to have a permit assigned to you.

Applying for a change in the purpose and use of an existing water right is more cost-effective and accomplished easier than applying for and obtaining a new water right.

If you have to apply for a new water right or have questions about purchasing an existing water right, contact the Water Resources staff of the regional Dept. of Ecology (Ecology)

### **FOR MORE INFORMATION**

#### **Contact your nearest Ecology office**

Central Region (Yakima):  
509-457-7140

Eastern Region (Spokane):  
509-329-3464

Southwest Region (Lacey):  
360-407-6058

Northwest Region  
(Bellevue): 425-649-7077

#### **Guidance for indoor and outdoor marijuana growing operations is available through the Liquor Control Board at:**

<http://liq.wa.gov/milicense/permitting>

#### **Special accommodations**

If you need this document in a format for the visually impaired, call the Water Resources Program 360-407-6872.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

office closest to your marijuana growing operation. Staff can direct you on the best way to obtain water for your operation before you spend money and effort preparing a water right application.

For more information on the water right application process, go to:  
<http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html>

For more information, on changes and transfers of water rights, go to  
[http://www.ecy.wa.gov/programs/wr/rights/change\\_transfer\\_use.html](http://www.ecy.wa.gov/programs/wr/rights/change_transfer_use.html)

**Q: How do I obtain a water right permit exemption for small uses of water?**

**A:** Washington state's water right permit exemption allows the use of well water (groundwater) to:

- Provide a water supply of no more than 5,000 gpd for a home or group of homes.
- Water a non-commercial lawn or garden one-half acre in size or less with no gpd limit.
- Water livestock with no gpd limit.
- Provide a water supply of no more than 5,000 gpd for a commercial or industrial purpose including indoor and outdoor use.

**gpd** = gallons per day.  
Measurement of how much water is used daily.

Growers holding a water right under the commercial/industrial exemption may use it to cultivate marijuana but the half acre non-commercial lawn or garden exemption in some basins cannot be transferred to a commercial/industrial exemption for growing marijuana.

Find out if your project is exempt from a water right permit:  
[http://www.ecy.wa.gov/programs/wr/comp\\_enforce/gwpe.html](http://www.ecy.wa.gov/programs/wr/comp_enforce/gwpe.html)

*Use of any exemption varies from watershed to watershed depending upon water availability, mitigation requirements and water use regulations.*

**Q: What restrictions apply to the use of permit-exempt wells?**

**A:** Once you drill a water well under Washington's permit exemption and put that water to beneficial use, you hold a water right in Washington state. However, newer water rights are "junior" to older, senior water rights. Therefore the water use of junior water right holders is the first to be curtailed in the event of a drought or impairment of a senior water right drawing from the same water source.

Water management rules in certain areas of the state may prohibit new groundwater uses or impose conditions on new groundwater uses that must be met before water can be used. Growers with questions on possible restrictions of their water use should contact their nearest Ecology regional office.



**Q: Will the water use limit of 5,000 gpd under the commercial/industrial exemption provide enough water for growing marijuana?**

**A:** Growers are responsible for researching and evaluating their water needs. Current information regarding marijuana water use is largely anecdotal. Growers are being licensed by the state Liquor Control Board in three tiers depending on how much marijuana they intend to grow, but all three tiers are estimated to require less than 5,000 gpd. The tiers by maximum amount (square feet, sf) of marijuana canopy allowed and the estimated amounts of water (gallons per day, gpd) needed for indoor grow operations are:

- **Tier 1**— 2,000 sf; 260 gpd
- **Tier 2** – 10,000 sf; 1,300 gpd
- **Tier 3** – 30,000 sf; 3,900 gpd

Water needs for outdoor grow operations, where environmental conditions cannot be controlled, are likely much higher and climate variations at different locations in the state is a significant factor in determining the water needs for growing marijuana. Given that marijuana previously has been illegal to cultivate, the state does not have the same level of data regarding the irrigation needs for various locations across the state as it possesses for traditional crops.

**Q: Will I be able to use water from my Irrigation district to grow marijuana?**

**A:** In May 2014, the U.S. Bureau of Reclamation (USBR) announced that use of USBR water or facilities (reservoirs, canals, pumps, etc.) for any activities related to the cultivation and distribution of marijuana is prohibited under the Controlled Substance Act of 1970. This means any irrigation district supplied by USBR projects can not provide water for marijuana irrigation.

In Washington state, the USBR operates two large reclamation projects: the Yakima Basin Project and the Columbia Basin Project. Even though marijuana cultivation is legal under state law, Washington cannot require USBR – and the irrigation districts it contracts with – to supply water for marijuana production. There are no USBR projects in western Washington but you should contact your irrigation district to determine if water is available for marijuana irrigation.

**Q: Can rainwater be collected and stored to cultivate marijuana?**

**A:** Yes. Rainwater collection systems are legal in Washington state and do not require a water right. They can be used to store water collected in the wet season for later use. Groundwater from exempt wells can also be pumped to a storage tank or cistern that is part of the rainwater collection system and stored until needed, as long as the 5,000 gpd limit is not exceeded.

Collected rain or groundwater can only be used on the same parcel from which it was captured. More information on rainwater collection: <http://www.ecy.wa.gov/programs/wr/hq/rwh.html>

## Exhibit Q



Ed Kashi / VII for NBC News Feb 04

Legal Pot  
16 of 40

## High Crimes: Robber Gangs Terrorize Colorado Pot Shops

Exhibit D

- 
- 
- High Crimes: Robber Gangs Terrorize Colorado Pot Shops
- 

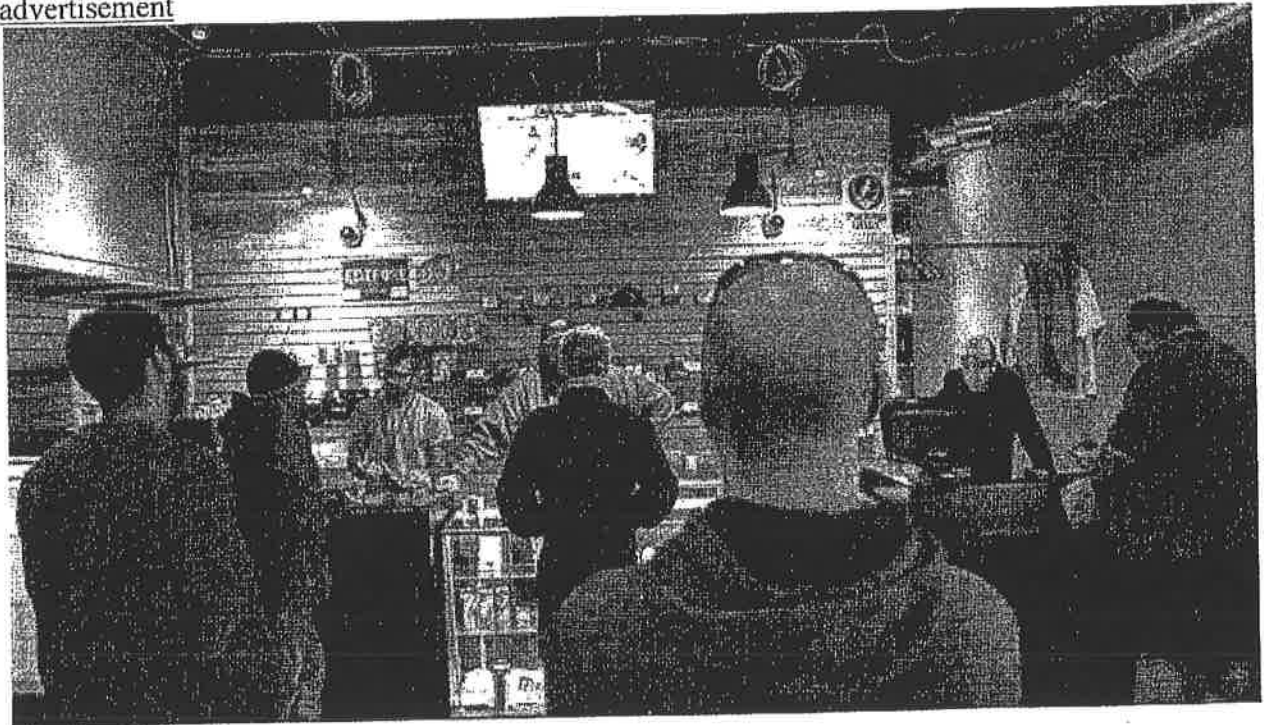
collapse story

*By Tony Dokoupil and Bill Briggs*

One thief, posing as a delivery man, pulled a can of bear mace on employees and ransacked their marijuana shop, fleeing in a defensive cloud of "ultra-pepper" spray. Another opened the wall of a dispensary with an ax and attacked the store's safe with a circular saw. Still another stuck to the basics. He kicked in the front door and pointed his gun at the counterman. An accomplice kicked in the back door and filled a duffel bag with more than \$10,000 worth of high-quality cannabis.

For weeks now, the Mile High state has allowed the sale of recreational pot to adults, and so far the Rockies still stand. But crimes like the ones above, all of which occurred in Colorado in the last six months, have produced an acid-drip of anxiety in the industry, highlighting the dangers faced by those hoping to drag America's most popular illegal drug into the light. Because marijuana remains banned by Congress, banks and security firms deny services to most dispensaries. That leaves them cash-based and vulnerable, a magnet for criminals who like the idea of unguarded counting rooms and shelves lined with lucrative horticulture.

advertisement



Ed Kashi / VII for NBC News

Customers wait in line at the Dank Colorado Dispensary to purchase recreational marijuana in Denver.

"Everyone in the industry is having nightmares," says Michael Elliott, executive director of the Marijuana Industry Group, a powerful young lobby in Colorado. "You hit a 7-Eleven, you'll get 20 bucks. You hit a dispensary, you'll get \$300,000 on a good day," adds Mitch Morrissey, District Attorney for Denver. "It's only a matter of time before someone gets shot."

Since 2010, the new pot barons have been required to install alarms and surveillance cameras, and most secure all cash and retail pot in a floor-bolted safe overnight. That helps limit losses, but the thieves keep coming. They throw bricks through windows, and tunnel under floors. One team tore away the locks on a grow house with a set of chains and a Subaru Outback. Another crashed an Audi through a warehouse door.

At first, most of the heists were softened by a kind of likable idiocy. Owners joked about the hapless fellow who zip-lined through an opening in a greenhouse roof, then lacked the oomph to climb his way out. Or the thief who kicked into an apartment above a pot shop, only to be chased off by the apartment's surprised owner, a member of the Denver Nuggets. Or the team that crowbarred into a dispensary in 2012, leaving with a broken scale and \$8 from a "karma jar" on the counter.

More recently, however, the crimes have sent a forked bolt of fear through the industry. Last summer, for example, a trio of gunmen "demanded Weed" from the workers at a dispensary called 420 Wellness, according to documents provided by the district attorney's office. As two of the gunmen filled "several trash bags" with award-winning marijuana, the third leapt over the counter and took a female employee by the elbow, leading her around the shop as a human insurance policy. Police caught up with that squad soon after they fled the scene, charging the ringleader with aggravated robbery and kidnapping.

But over the next six weeks, a different team of burglars hit at least eight dispensaries, and a third team is still on the loose after a stick-up at New Age Wellness in nearby Boulder County. Moments after closing time, two men dressed in baby-blue ski-masks burst in, pointed guns, and cleaned out the little mountain depot. "It's an epidemic," says one of the employees, who declined to give his name for safety reasons. "Everything is a lot tighter now. It isn't so homey anymore."

#### advertisement

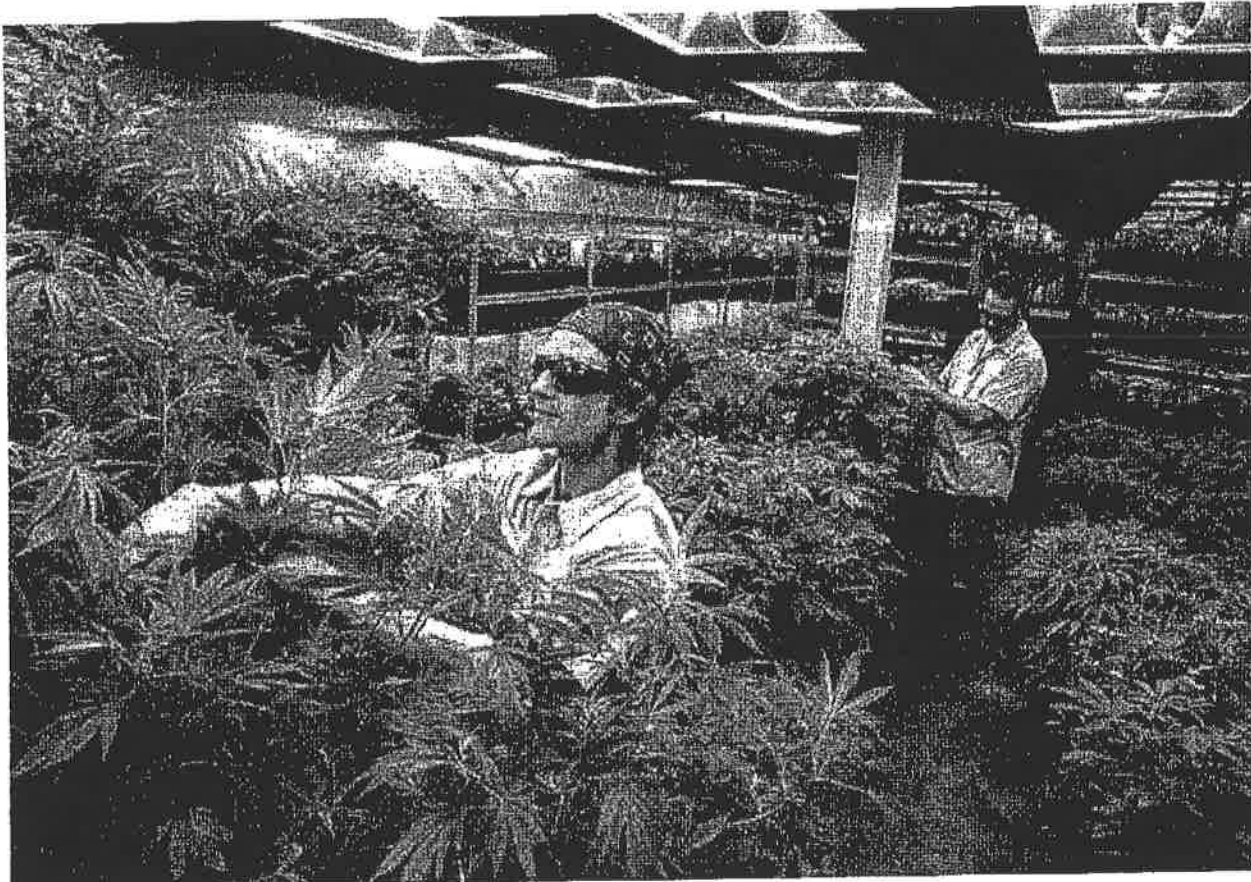
"It's like they think: 'If we can precipitate some sort of public safety issue, maybe we can stop it.'"

To judge by the data, it's not so homey anywhere in the region's marijuana market, where attempted theft has gone from a concern to a near-certainty. In 2009, the Denver Police Department estimated that about 17 percent of marijuana retail shops had been robbed or burglarized in the last year. That was good news: a bit less than liquor stores (20 percent) and banks (34 percent), and on par with pharmacies.

Today, however, a darker picture has emerged. There are about 325 marijuana companies in Denver, based on an analysis of licensing data done for NBC News by Marijuana Business



Daily, a leading trade publication. (Most companies hold numerous licenses.) At the same time, there have been about 317 burglaries and seven robberies reported by these companies in the last two years, according to police data. That's an annual robbery and burglary rate of about 50 percent, more than double what it was in 2009.



Ed Kashi / VII for NBC News

Workers tend the grow houses at the Medicine Man marijuana dispensary and grow house. It is one of the largest in Denver.

While a Denver Police spokesperson disputed these figures, the department doesn't have its own. What is available suggests a troubling parallel development: as the industry has grown, its access to banking and security has declined, and crime has soared. What spurred the sudden loss of services remains a mystery, although many dispensary owners blame it on pressure from the Drug Enforcement Administration, which has called Colorado's experiment "reckless and irresponsible."

"It's like they're trying to precipitate some sort of disaster," says Norton Arbelaez, the founder of River Rock, one the Denver's larger dispensaries. "It's like they think: 'If we can precipitate some sort of public safety issue, maybe we can stop it.'"

advertisement



The Obama administration says that it's working on new regulations that will allow banks to hold accounts for legal marijuana businesses. But Jack Finlaw, the chief legal counsel to Colorado's governor doesn't think that will be enough. As long as marijuana remains illegal under the Controlled Substances Act, he says, banks, security firms and indeed most traditional businesses will be wary of aiding what amounts to a state-sanctioned federal crime. "Congress really needs to act," he says. "I don't see a quick fix."

Meanwhile, the collateral damage continues to mount. Some dispensaries may be hit five times and others none at all, but on average every marijuana-related business in Denver can now expect a taste of the crowbar or the gun at least once every two years.

"I think everyone has been robbed at least once," says Jonathan Salfeld, the owner of Local Product of Colorado, which has been broken into twice, despite being located a block from Denver Police headquarters. "It leaves you feeling less than safe," adds Elan Nelson, the director of business development at Medicine Man, one of the largest dispensaries in Denver. She says her last dispensary was broken into four or five times, and employees began to watch the door, wondering when the thieves would decide to try work hours.



Ed Kashi / VII for NBC News

Broken windows and doors are evidence of a recent burglary at the Timberline Herbal Clinic, owned by Yevette Williams.

Yvette Williams of Timberline Herbal Clinic is facing that same feeling, after suffering three break-ins in four years. The most recent heist was last month, amid a rash of seven burglaries in Denver in the first 11 days of legalization. The thieves came at night, taking \$1,000 in edible pot and leaving \$6,000 in damages. "We just don't know what to do," she says. "We're at a loss."

"To understand the importance of fixing banking, please read this story: 'Marijuana clinic owner penis cut off.'"

### advertisement

For the moment, Coloradans can still cling to a pebble of solace: no one has ever been killed in a state-licensed marijuana dispensary. Expect that to change, says Denver District Attorney Mitch Morrissey. Last summer he told the city council that there have been a dozen homicides "directly" related to mom-and-pop residential marijuana grows, which have been legal in the state since 2000.

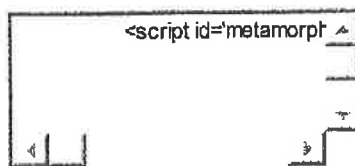
The editorial page director of the Denver Post accused him of "blowing smoke," but Morrissey is now going further, predicting a spike in "strong-arm, bank-style, mask-and-gun robberies," as the old violence of the residential market spills into the new world of legalized marijuana from seed to sale. "You know, they say this is going to bring in tax revenue for our schools. Well, I don't deal with that. I deal with dead bodies."

## Legal pot opens door to more crime

NBCNews.com

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The worst violence has been in California, where in 2010 a gunman forced workers down on the ground, robbed their medical marijuana dispensary, and returned moments later to shoot both in the back of the head. But the fate that's really spreading terror in Colorado fell just shy of murder.

It began when three men broke into the home of a dispensary owner in Newport Beach, Calif., according to police reports that surfaced last fall. They zip-tied the man, dragged him into a van, burned him with a blow-torch, doused him in bleach, severed his penis, and then drove away

with it—all in a bid to learn where he was hiding his cash. Now Elliott, the industry lobbyist, appends press releases with an unusual note: “To understand the importance of fixing banking, please read this story: ‘Marijuana clinic owner penis cut off.’”

The industry is certainly taking the crime threat seriously. Dispensaries are sinking cash into bulletproof glass, Mission Impossible-style fingerprint scanners, and guards—lots of guards. A marijuana militia of sorts is building across the state, a force big enough to safeguard six-figure cash transports, seven-figure inventories and assets, and thousands of justifiably paranoid employees.

### advertisement

As with the criminals, some of the guards are less than intimidating. The owner’s elderly (and doze-prone) uncle is the designated watchman inside one Denver dispensary. At another dispensary a guard considers his biceps “the only guns I need.” But at least two major security firms—one purely marijuana-focused, the other an all-purpose global heavyweight—have ridden in to rescue Denver in the last year.

The first was Blue Line Protection Group, launched in August by Ted Daniels, a retired police officer and U.S. Army veteran who served in Afghanistan. He cuts a rather secure figure himself, with muscle that jumps from shoulder to ear, and shades wrapped around a bald pate. He has hired more than 40 guards, most with special ops experience.

“If you’re going to fight the best,” as he likes to say, “you better have the best.”

Steps from the counter where the peace buds are sold, a warning sign is emblazoned with the words, “DEADLY FORCE.”

His firm has landed about 30 contracts so far and is adding about one a day, according to Daniels, who charges between \$5,000 and \$15,000 a month. Most of the contracts come right after a break-in or a robbery, he says, and none have been hit again with his team on the scene. “I think criminals are afraid,” he says. “I don’t think they want to deal with my guys.”



Ed Kashi / VII for NBC News

The New Age Wellness marijuana dispensary was attacked by masked gunmen recently, where Alan Pedersen, 23, was assaulted and \$6,000 worth of merchandise was stolen. Now a Blue Line Protection Group officer stands guard in Longmont, Colo.  
advertisement

At Medicine Man, where Daniels has provided security since January 1st, there are now six cash registers and an armed guard for each one, plus another at the door. At the end of the day, after spraying the cash with Febreze to mask the scent, employees stuff it into tamper-resistant clear plastic bags, which Blue Line escorts downtown and into the company's vault.

If they face a robbery, they may call 911, but they're authorized to return fire. Every day now at New Age Wellness, in Boulder County, steps from the counter where the peace buds are sold, a warning sign is emblazoned with the words, "DEADLY FORCE." In front of the sign is a Blue Line guard, Glock on his hip.

"One of my guys, I think, can probably easily hold off five to 10 guys by himself," says Daniels, who appreciates the irony of blending what is essentially police work with the protection of a product that he used to bust people for using. For most of his guys, however, the product doesn't matter.

Daniels allows them to partake of the plant they're guarding, as long as they quit it at least 10 hours before reporting to duty, but they're in it for the conflict.

Exhibit D

“We thrive on going out,” says Keith Wood, a former Army Ranger who deployed to both Iraq and Afghanistan, before coming home to become Blue Line’s operations manager. “I’m not going to run away,” he said in an interview. “I could die today on the job. We don’t know. But that’s another reason to bring veterans in. That’s how we’re trained to think.”

The competition comes from former Denver city councilman Ed Thomas, a 23-year veteran of the Denver Police Department. He recently partnered with CSC-USA, a California-based company that touts security gigs during two World Cups, four presidential inaugurations, and 30 Super Bowls. He’s got two contracts so far and expects that number to grow.

“There are some really bad guys out there,” he says. “It’s just a matter of time until ... well, I don’t even want to go there.”

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High Crimes: Robber Gangs Terrorize Colorado Pot Shops

First published February 3rd 2014, 9:44 am



**Tony Dokoupil**

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Tony Dokoupil is a senior writer for NBC News. He joined NBC News in September of 2013 and contributes... [Expand Bio](#)

Tony Dokoupil is a senior writer for NBC News. He joined NBC News in September of 2013 and contributes enterprise feature stories to NBCNews.com, reporting on the legal pot trade, mystery illnesses, ghost towns, and much more. Follow him on Twitter and Google+.

Dokoupil joined NBCNews.com from The Newsweek Daily Beast Company, where he was a senior writer. In that role, he wrote numerous cover stories, including "The Suicide Epidemic," "iCrazy" and "Dustoff 73." His story "The Last Dive" and the original video became Newsweek's first video cover.

His is the author of "The Last Pirate," which is due from Doubleday on April 1, 2014.

He lives in Brooklyn, N.Y. with his wife and children. [Collapse Bio](#)

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EXHIBIT 004

# Exhibit R

Good afternoon  
**Tuesday**  
July 29, 2014  
Vol. 113, No. 174  
**75 cents**

## Bail for marijuana heist set at \$500,000

### Second robber still at large

By **ANDY MATARRESE**  
staff reporter

An Ellensburg man is in jail, and an accomplice is still at large, after an alleged armed robbery involving a large marijuana stash in north Ellensburg.

Steven Mikel Taylor, 24, is held at the Kittitas County Jail on suspicion of first-degree burglary, first-degree robbery and third-degree theft following his arrest Sunday night.

Kittitas County Deputy Prosecutor Jodi Hammond, reading from a probable cause statement in Kittitas County Superior Court Monday, said Ellensburg police officers on patrol received word of a robbery at 304 W. Helena Ave. that evening.

Hammond said a man there told police he was robbed at gunpoint by two men, one he did not recognize and another who he allegedly identified as Taylor.

The man said Taylor was holding a knife and the other man had a handgun, according to the statement.

The victim told officers he allegedly used to sell drugs with Taylor, and had more than a pound of marijuana in his home, which the two allegedly demanded the man turn over during the robbery.

The victim also reportedly told officers Taylor took several dollars in cash, a digital scale and several clear glass jars, according to the statement.

Ellensburg Police Department Capt. Dan Hansberry said Monday afternoon officers are attempting to track down the second suspect.

EPD is also investigating the nature of the victim's alleged marijuana dealings, he said, adding it does in all such cases, regardless of changing marijuana laws.

Hansberry said police don't believe the marijuana was for medical purposes, and for the moment, the violent crime investigation takes precedence.

"Obviously, that gets shadowed when you talk about someone coming in and threatening you with a handgun and stealing from you," he said.

Superior Court Judge Scott Sparks set Taylor's bail and scheduled his arraignment, where he may be formally charged, for Aug. 11.

Exhibit E



FINLEY

### Pot grower fires at would-be thief

The Benton County sheriff's office says a man fired several shots when he caught someone trying to steal Medford marijuana plants from his yard early Thursday in Finley.

KVFW reported there is no indication the suspect was hit, but he did get away.

— Associated Press

Daily Record - www.dailyrecordnews.com

Friday, Oct. 3, 2014 - 85

### Selah men accused of stealing medical pot

SELAH — Two Selah men were arrested Tuesday morning after Yakima County sheriff's deputies say the men stole medical marijuana plants and displayed a handgun.

The men, ages 31 and 32, were booked into the Yakima County jail on suspicion of possession of stolen property. The 31-year-old is also suspected of unlawful firearm possession, according to a sheriff's office news release.

The men are accused of taking five planted medical marijuana plants from the backyard of a house in the 500 block of Collins Road. The plants' owner followed the men to a home in the 900 block of Jamie Drive, where he confronted them and one of the men displayed the firearm, the release said.

Deputies recovered the marijuana plants and a handgun after carrying out a search, according to the release.

### Liquor board chief's Sunnyside visit now Nov. 3

SUNNYSIDE — A visit by the head administrator of the state Liquor Control Board has been rescheduled for Nov. 3.

Rick Garza, director of the agency charged with regulating the state's new recreational marijuana industry, had planned to visit the Sunnyside City Council for an informational meeting Monday but backed out, citing an unspecified medical problem.

The city has rescheduled the meeting for 6:30 p.m. Nov. 3 at the Sunnyside Law and Justice Center, 401 Homer St.

*Oct 1 - 2014*

*V.H.R.*



# Exhibit S



How New iPads are Selling for Under \$40



Tricks Car Insurance Agents Don't Want You to Know



New Testosterone Booster Hits the Shelves

66°F San Francisco

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## Pot grow robbery gone wrong: Man killed, teen wounded

Kale Williams

Published 2:29 pm, Thursday, September 18, 2014

3 11 7 0

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**(09-18) 14:27 PDT DINUBA, TULARE COUNTY** -- A man was shot dead and a teenager was wounded when their attempted harvest-season robbery of a marijuana growing operation southeast of Fresno turned into a gunfight, officials said.

Deputies from the Tulare County Sheriff's Department responded at 4 a.m. Thursday to a 911 call reporting gunfire on the 10000 block of Avenue 400, a rural area near the Central Valley community of Dinuba.

Deputies found a pushed-over fence surrounding a grove of about 50 marijuana plants, each one roughly the size of an orange tree, said Sheriff Mike Boudreaux.

A search of the area turned up an AK-47, a shotgun, two police scanners, a pool of blood and what Boudreaux described as "body drag marks."

At the same time, deputies received a report from a fire station a few miles away that two individuals had been dropped off with gunshot wounds, Boudreaux said.

Upon arriving at the fire station, deputies discovered a 25-year-old man dead from multiple gunshot wounds and a 16-year-old boy suffering from a gunshot wound to the leg and bleeding profusely, Boudreaux said.

Neither of their identities were released.

The teen was rushed to a nearby hospital, where he was undergoing surgery Thursday afternoon, according to Boudreaux. He is expected to survive.

A third man, who is believed to have driven the two victims to the fire station, fled when deputies arrived, but was quickly apprehended.

During the course of the investigation - which included interviews with two individuals who lived on the property where the confrontation took place - detectives learned that there was likely a gunbattle after the two victims, and possibly the third man detained, attempted to rob the marijuana operation, Boudreaux said.

No arrests had been made by Thursday afternoon. Boudreaux said detectives were trying to sort out exactly what happened before they arrested anyone.

Kale Williams is a San Francisco Chronicle staff writer. E-mail: [kwilliams@sfgate.com](mailto:kwilliams@sfgate.com) Twitter: [@sfkale](https://twitter.com/sfkale)

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San Francisco Chronicle

Exhibit E

# Exhibit T



## FAQ on the Marijuana Initiative, I-502

*The following are a collection of questions that have been raised as cities evaluate how best to respond to the approval of I-502. Cities should revisit their policies and procedures with their legal counsel to ensure that their actions are in compliance with the new law.*

### Law enforcement impacts

*Law enforcement agencies should revisit their policies and procedures with their legal advisors to ensure that their actions are in compliance with the new law.*

#### Who can have marijuana, and how much?

According to the initiative, on December 6, adults over the age of 21 are allowed to carry any combination of the following: up to 1 ounce of usable marijuana, 16 ounces of marijuana-infused product in solid form, 72 ounces of marijuana-infused product in liquid form.

#### What are the consequences of possession over an ounce?

For a person 21 years and older, possession in the range above one ounce to 40 grams (about 1.5 ounces) results in a misdemeanor. Possession of more than 40 grams is a Class C Felony.

**Where can you legally buy marijuana?** The Washington State Liquor Control Board has until December 1, 2013, to establish guidelines and regulations for the sale and distribution of marijuana. Until then, it is illegal to purchase marijuana from an unlicensed provider. It is also illegal to grow or sell marijuana. Collective gardens used by medical marijuana patients are not affected by the language of this initiative.

#### What constitutes an infraction for marijuana?

Law enforcement officers have probable cause to cite for the infraction based upon seeing someone with the product or smelling it, and the person is within public view. This person would be charged with a Class 3 civil infraction under RCW 7.80. Though the fine is not directly specified in the initiative, some have predicted the citation will likely result in a \$103 fine.

**Can law enforcement seize marijuana and paraphernalia?** Unless they can articulate some other behavior that suggests a criminally illegal behavior or activity, further searches of the person are not lawful. Different agencies' policy will dictate seizure of any marijuana or paraphernalia. At this time, it is unclear whether the marijuana and paraphernalia will be seized or not.

**If a law enforcement officer witnesses a person smoking what appears to be marijuana, can they then search that person?** The officer who witnesses the infraction can contact the person and issue the citation. Officers can initiate a search only if there is suspicion or indication that the person receiving the citation may be armed, or if that person gives the presiding officer indication they have criminal possession on their person.

**Must law enforcement officers have warrants for blood tests?** If officers believe someone is driving under the influence and impaired, they will conduct a field sobriety test. If officers establish probable cause, they will ask for permission to draw blood, or they can obtain a warrant from a judge. In the case of a collision, blood draws are mandatory. The provisions and policies of a blood draw are not a new practice and were not changed by the initiative.

**How does law enforcement obtain blood?** Officers must follow their agency's policy. Many take the person to the nearest hospital facility for the blood draw.

### Personnel & policy

**Can employers continue to test for marijuana?** Similar to alcohol, employers may require testing, discipline for policy violations, and regulate use or impact in the workplace. Employers should make sure that their personnel policies are up to date and include legalized marijuana, and consult with their city or agency legal representative.

**Is there a difference between the 5ng (nanogram) threshold and the 15ml (milliliter) threshold that urine tests from Department of Licensing (DOL) use?** Yes. 5ng is the limit set forth by the initiative as the per se level of impairment for someone under the influence of marijuana. This is measured by a blood test designed to detect "active metabolites." Studies indicate that active metabolite levels fall to approximately 2ng within 4-6 hours of use. Commercial Driver License (CDL) holders are regulated by DOL, which follows federal regulations and uses the 15ml threshold. This level is measured by a urine test.

### **What about off-duty marijuana consumption?**

Washington public employers have a strong legal basis to discipline or discharge employees who test positive for marijuana if this action is consistent with the respective contracts, policies and past disciplinary action. However, further legislation and litigation will likely determine whether discharge for off-duty marijuana use violates public policy.

### **Land use & zoning**

**Can jurisdictions implement policies to limit producers, processors and retailers licenses and locations?** Growing marijuana (unless it is a collective garden) remains illegal until the Liquor Control Board (LCB) establishes a process for licensing and regulation. The LCB will also regulate permissions for marijuana cultivation, processing, distribution, and retail facilities. The LCB is taking public comments until Feb. 10 about the rules and restrictions needed for a marijuana-grower license.

The initiative specifies that only state-licensed production, processing and sale of marijuana are permitted. The initiative intended that the licensing process be similar to that for alcohol. Cities will have the ability to object to the LCB regarding a proposed license. Presumably, local land use and zoning regulations will apply to the siting of growing, processing and retail outlets. The initiative specifies that such facilities must be at least 1,000 feet from elementary and secondary schools, playgrounds, recreation centers, day cares, parks, transit centers, libraries and arcades.

Medical marijuana collective gardens and not affected by this initiative.

### **Taxes & revenue**

**Will cities get any revenue from the sale of marijuana?** The initiative does not provide for any direct funding to cities. Cities will receive their share of local sales tax revenues and any locally imposed B&O taxes. The Washington State Office of Financial Management (OFM) estimates that locals could receive as much as \$120 million in these taxes over five years. However, there has been some concern that OFM overestimated how much marijuana will actually be consumed from these state-licensed stores. Cities will not see any revenue from marijuana sales until at least December 2013.

**What about all of the expected new revenue from legal marijuana sales?** The initiative created a specific new taxing scheme. The initiative provides for a 25% excise tax at each transaction point (producer to processor, processor to retailer, and retailer to consumer). The taxes will be placed in a dedicated marijuana fund. After quarterly distributions of \$1.25 million for LCB administration and \$180,000 to other specific programs, the taxes will be distributed as follows:

- 50% to the state's Basic Health Plan
- 19.07% to the state general fund
- 15% to the Department of Social & Health Services for behavioral health & recovery
- 10% to the Department of Health for marijuana education & public health
- 5% to Community Health Centers
- 1% to the UW and WSU for research on the short- and long-term effects of marijuana use
- 0.03% to the Building Bridges Programs

**Exhibit U**

03/24/2014 02:02:16 PM  
\$73.00  
Warranty Deed STWT  
Kittitas County Auditor

201403240052  
Page 1 of 2



RE EXCISE TAX PAID

Amount \$ 5283.50  
Date MARCH 24, 2014  
Account No. 2014-441  
KIT TITAS COUNTY TREASURER

**WHEN RECORDED RETURN TO:**

Name: Carol L. Eng  
Address: 522 W. 37<sup>th</sup> Ave  
Spokane WA 99203

B. Blumenreiter

#173

**Escrow Number:** 31902ec  
**Filed for Record at Request of:** *Stewart Title of Kittitas County*

**STATUTORY WARRANTY DEED**

**The Grantor(s),** Timothy A. Stowe and Lisa Stowe, as tenants in common, for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys, and warrants to Carol L. Eng, Trustee of the Mary Curley Robinson Irrevocable Trust dated November 26, 1998 the following described real estate, situated in the County of Kittitas, State of Washington:

**SEE ATTACHED EXHIBIT A**

TOGETHER WITH all water rights and irrigation ditches appurtenant thereto, if any.

Abbreviated Legal: (Required if full legal not inserted above.) Lot 2, Erdman Short Plat

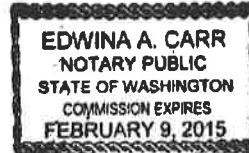
**SUBJECT TO:** All matters, including reservations, restrictions, exceptions, easements and rights-of-way, apparent or of record.

**Tax Parcel Number(s):** 19660/17-19-27053-0002

**Dated:** March 14, 2014

*Timothy A. Stowe*  
Timothy A. Stowe

*Lisa A. Stowe*  
Lisa Stowe



STATE OF Washington

ss.

COUNTY OF Kittitas

I certify that I know or have satisfactory evidence that Timothy A. Stowe and Lisa Stowe are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: March 19, 2014

*[Signature]*

Notary Public in and for the State of Washington  
Residing at Spokane  
My appointment expires: 2/9/15

**EXHIBIT A**

**Parcel A:**

Lot 2 of ERDMAN SHORT PLAT, SP 04-02, recorded April 20, 2004, in Book G of Short Plats at Page(s) 157 and 158, under recording number 200404200021, Being a portion of the Southwest quarter of Section 27, Township 17 North, Range 19 East, W.M., records of Kittitas County, State of Washington.

**Parcel B:**

TOGETHER WITH an easement for ingress and egress over and across Lot 1 of BRUKETTA SHORT PLAT, as described and/or delineated on Kittitas County Short Plat No. 95-30, recorded February 2, 1996 under Auditor's File No. 199602020019 and filed in Book E of Short Plats, page 39, records of Kittitas County, State of Washington. Said Easement being 20.00 feet in width, lying Northerly of, adjacent to and abutting the following described line:  
Beginning at the Northeasterly corner of Lot 2 of said Bruketta Short Plat;  
Thence North 88°14'40" West, along the North line of said Lot 2, 584.01 feet to the terminus of said described line.

**Parcel C:**

TOGETHER WITH that certain 40 foot access easement as delineated on Lot 1 of said BRUKETTA SHORT PLAT.

**Parcel D:**

TOGETHER WITH a 20 foot access easement as disclosed on the ERDMAN SHORT PLAT, recorded April 20, 2004, in Book G of Short Plats at Page(s) 157 and 158, under recording number 200404200021, Being a portion of the Southwest quarter of Section 27, Township 17 North, Range 19 East, W.M., records of Kittitas County, State of Washington.

# Exhibit V



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

### ZONING CONDITIONAL USE PERMIT APPLICATION

*(Proposing a use such as a Bed & Breakfast or Campground, per KCC 17.60A)*

*A preapplication conference is encouraged for this permit. The more information the County has early in the development process, the easier it is to identify and work through issues and conduct an efficient review. To schedule a preapplication conference, complete and submit a Preapplication Conference Scheduling Form to CDS. Notes or summaries from preapplication conference should be included with this application.*

**Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.**

#### REQUIRED ATTACHMENTS

- Site plan of the property with all proposed buildings points of access, roads, parking areas, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, natural features such as contours, streams, gullies, cliffs, etc.
- SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800)
  - Please pick up a copy of the SEPA Checklist if required
- Project Narrative responding to Questions 9-11 on the following pages.

#### APPLICATION FEES:

1,565.00 Kittitas County Community Development Services (KCCDS)  
 418.00 Kittitas County Department of Public Works  
 329.00 Kittitas County Fire Marshal  
 235.00 Kittitas County Environmental Health

**\$2,547.00 Total fees due for this application (One check made payable to KCCDS)**

#### FOR STAFF USE ONLY

Application Received By (CDS Staff Signature): <u>Em</u>	DATE: <u>10-29-14</u>	RECEIPT # <u>06-14-0005</u>	

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

FORM LAST REVISED: 1-02-2013

Page 1 of 3

**GENERAL APPLICATION INFORMATION**

**1. Name, mailing address and day phone of land owner(s) of record:**

*Landowner(s) signature(s) required on application form.*

Name: Mary Gonzalez  
Mailing Address: 1006 Emerson Rd  
City/State/ZIP: Ellensburg Wa 98926  
Day Time Phone: 509 899 6257  
Email Address: mednc52@yahoo.com

**2. Name, mailing address and day phone of authorized agent, if different from landowner of record:**

*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: TJ McDonald  
Mailing Address: 1006 Emerson Rd  
City/State/ZIP: Ellensburg WA 98926  
Day Time Phone: 360 241 4303  
Email Address: \_\_\_\_\_

**3. Name, mailing address and day phone of other contact person**

*If different than land owner or authorized agent.*

Name: Zack Dekker  
Mailing Address: 1006 Emerson Rd  
City/State/ZIP: \_\_\_\_\_  
Day Time Phone: 509 949 2002  
Email Address: \_\_\_\_\_

**4. Street address of property:**

Address: 1006 Emerson Rd  
City/State/ZIP: Ellensburg, WA, 98926

**5. Legal description of property (attach additional sheets as necessary):**

Acres 15.03, Erdman Short Plat 04-02, Lot 2, Sec. 27, TWP 17, RGE 19

**6. Tax parcel number:** 17-19-27053-0002 / 191060

**7. Property size:** 15.03 (acres)

**8. Land Use Information:**

Zoning: Comm. Ag

Comp Plan Land Use Designation: \_\_\_\_\_

**PROJECT NARRATIVE**

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description.
10. **Provision of the zoning code applicable:** 17.15.050.1
11. **A conditional use permit may be granted when the following criteria are met. Please describe in detail how each criteria is met for this particular project (attach additional sheets as necessary):**
- A. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
  - B. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that (1) it will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or (2) that the applicant shall provide such facilities; or
  - C. Demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

**AUTHORIZATION**

12. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

Date:

x Mary Gonzalez

10/28/14

Signature of Land Owner of Record  
(Required for application submittal):

Date:

x Paula

10/28/14



ROA

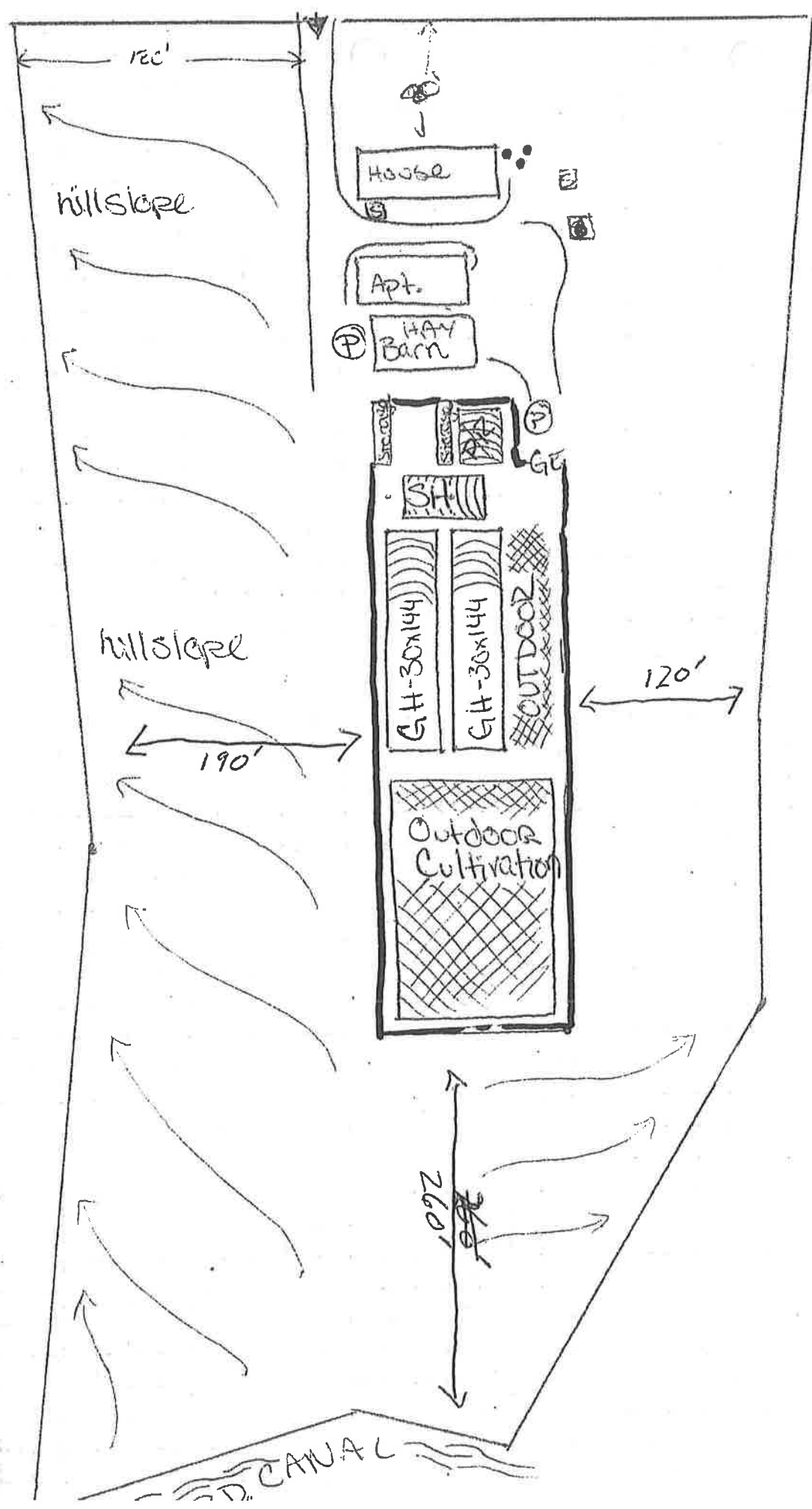
PHASE 1

wetlands

□ ≈ 20'

KEY

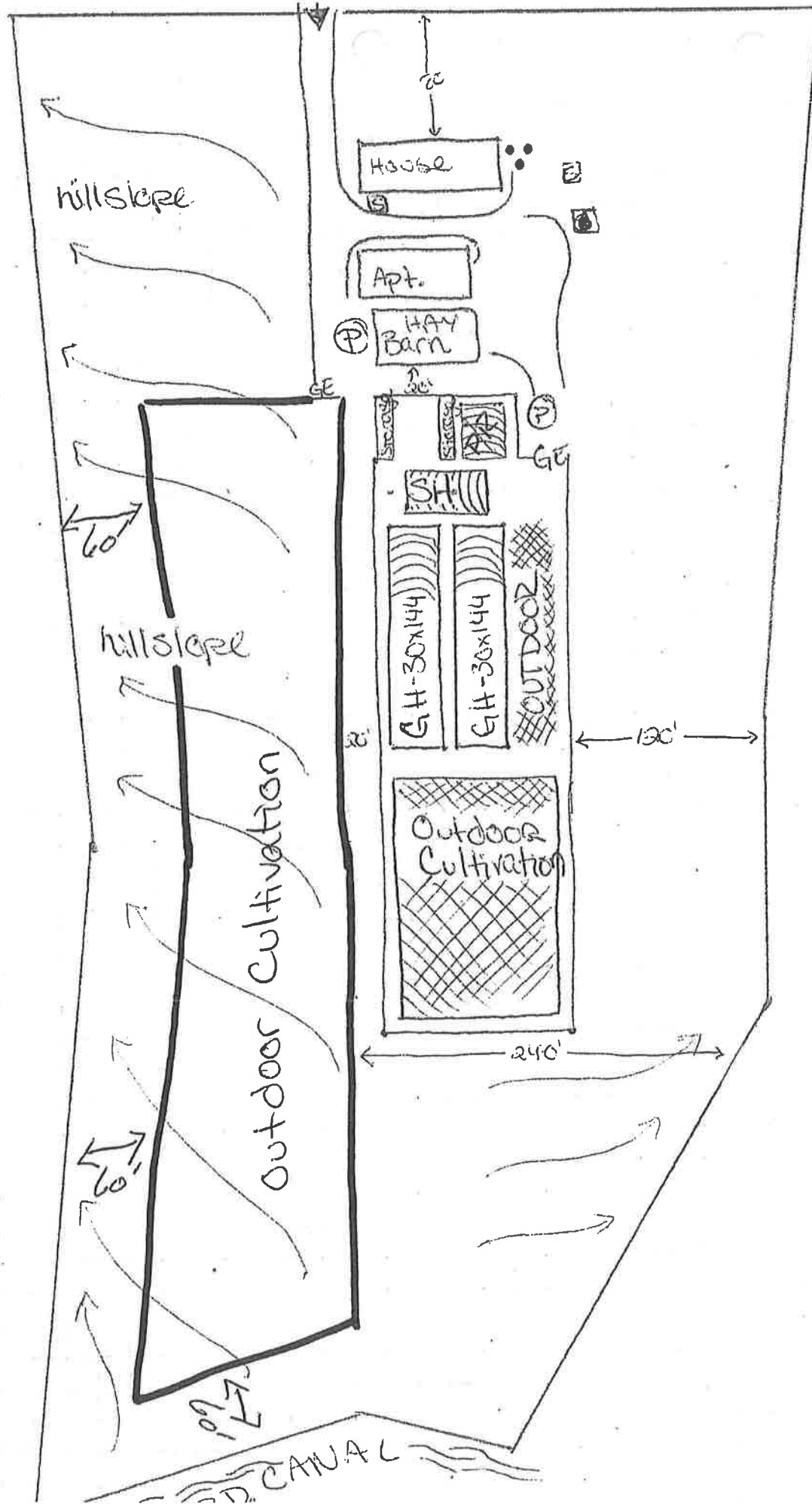
- Ⓟ - Parking
- PA - Point of Access
- ⊙ - Pump house
- S/H - Staging House
- ☒ - Shed
- P/R - Processing Room
- GE - gate entrance
- ⋯ - septic drain.



ROA

PHASE 2

wetlands



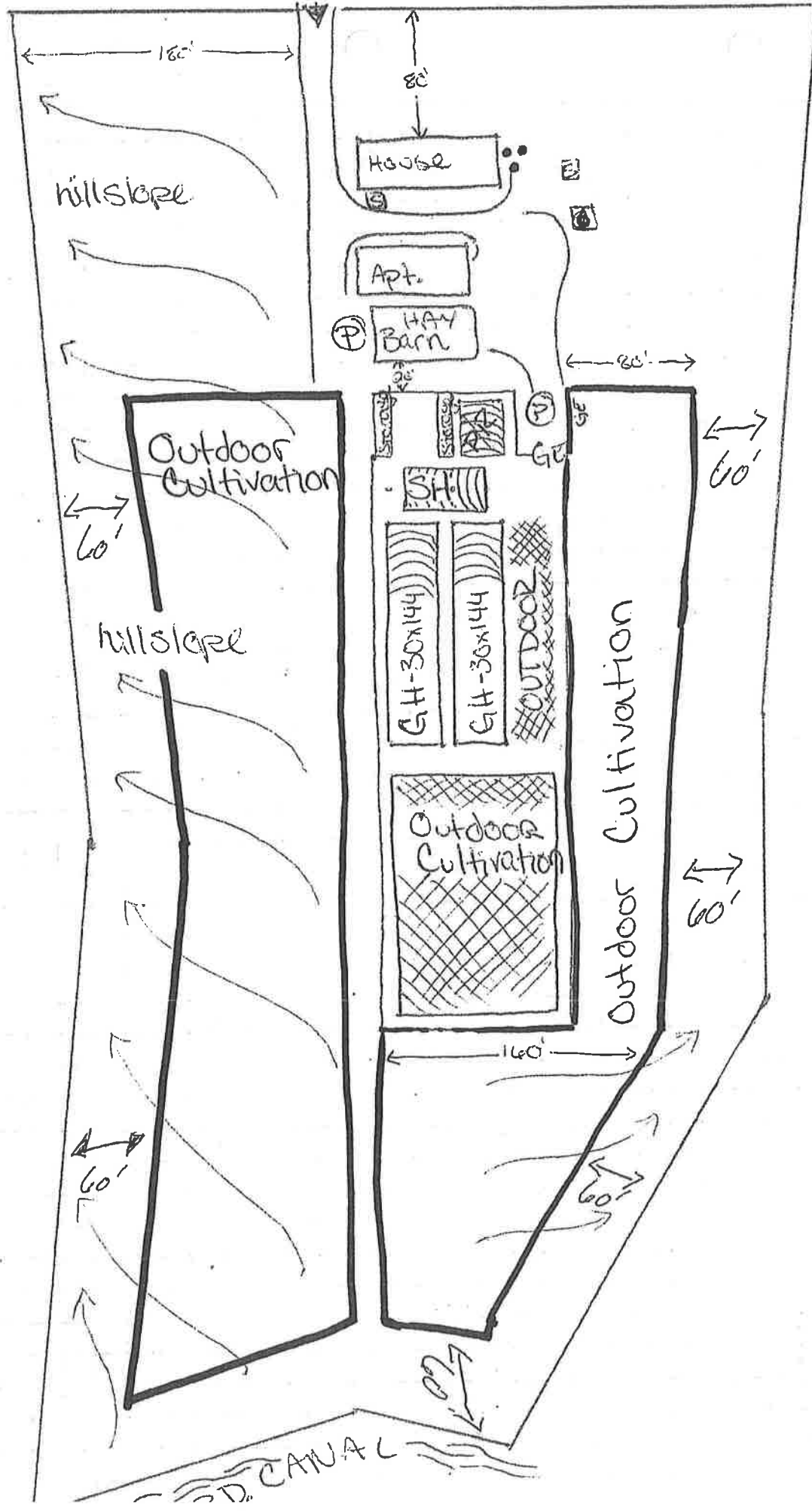
KEY

- Ⓟ - Parking
- PA - Point of Access
- ⦿ - Pump house
- S/H - Staging House
- ▣ - shed
- P/R - Processing Room
- GE - gate entrance
- - Septic drain.

RÖA

PHASE 3

wetlands



- KEY
- Ⓟ - Parking
  - P/A - Point of Access
  - - Pump house
  - S/H - Staging House
  - ☒ - Shed
  - P/R - Processing Room
  - GE - gate entrance
  - - Septic drain.

#9

**Please include at minimum the following information in your description: describe your project size, location, water supply, sewage disposal and all qualitative feature of the proposal; include every element of the proposal in the description.**

Our project will grow in phases, to begin less than 1 acre of land will be use for production. In the next 5 years we intend on growing our operation to a full size of about 7 acres of production. Our Processing side will stay very minimal, basic packaging and such, in a year or so when revenue allows, all processing will be performed at other processing sites. Our location is Zoned Commercial Agricultural and is located at 1006 Emerson Rd Ellensburg, WA. All of our water supply will be purchased from local vendors, until KRD water is cleaner and use becomes acceptable. We are currently ready to store and control at least 5,000 gallons; as more is required we will add more storage capacity if needed. Sewage disposal will be very natural, we will use controlled burning and composting. Standard trash services are already in place for non-organic waste. Our growing style is similar and traditional to hay farming, cutting several crops annually, using semi-arid climate and simple clean watering systems.

# 11

**A. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.**

This proposed use is essential and desirable to the public by producing clean, sun-grown cannabis; this product is tracked, taxed, and legally sold to adults in Washington State, which will help eliminate the black market and focus State police resources on dangerous drug trafficking and other serious crimes. Our farm is totally enclosed by an 8' solid metal fence. This is required by state law, but our specific fence, was designed with public health, peace, and safety in mind. We built with green barn metal to match existing buildings, solid material to block all visual distractions, and sturdy enough to safely contain our operation. We comply with all regulated signage, access control limitations, and tracking of our product; the tax dollars our farm contributes will support State determined social and educational programs that benefit our communities.

**B. The Proposed use at the propose location will not be unreasonably detrimental to the economics welfare of the county and that is will not create excessive public cost for facilities and services finding that it will be adequately serviced by existing facilities such as highways, roads, police, and fire protection, irrigation and drainage structures, refuse disposal, water and sewage, and schools; or 2) that the applicant shall provide such facilities.**

Our operation is on a 15 acre lot, although only 10 acres is required; our farm is also zoned commercial agriculture when other lesser zoning is available. We waited for our county commissioners to decide this issue to choose our location. This allowed our farm to be fully compliant with Kittitas County zoning ordinances and to be in a commercial setting. The advantage are not limited to:

- 1) Our facility will require no extra building or public costs to open or operate;
- 2) Our power demands will remain low and no new service is needed;
- 3) Our operation may seem large in size, but our mission is to keep labor low and operate like a traditional farm; and
- 4) If more facilities are needed we will provide for expansion.

**C. Demonstrate that the proposed use will be sufficient economic benefit to offset additional public costs or economic detriment.**

Above all our operation will not raise the public costs in any meaningful way, but we will add significant economic benefits. First, we will not provide hundreds of jobs, but will provide specialized training to create highly efficient and highly paying jobs. Second, the product we produce will be taxed higher than any other crop in our valley, our farm alone will create hundreds of thousands in tax dollars. Finally, the hundreds of thousands of dollars that my business spends for day-to-day operations is currently spent locally and we will continue to use local businesses. We love our valley and plan to invest significantly, now and in the future.

## Exhibit W



# Washington State Liquor Control Board

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### Regulatory/Permitting Guidance for Indoor Marijuana Producers

In addition to the requirements of the Washington State Liquor Control Board (WSLCB), marijuana producers applying for licenses under Initiative 502 (I-502) may be subject to additional local, state and regional regulations.

These additional regulatory requirements may have separate timelines and costs from the WSLCB process. They can include environmental permitting<sup>1</sup>, land-use regulations (zoning), business licensing and building/fire codes.

*Note: This fact sheet is for informational purposes only. It is intended to help marijuana producers be aware of local, state and/or regional requirements they may need to meet. For more technical information, contact the local, state and regional regulatory authorities listed below. WSLCB staff cannot answer permitting questions.*

### Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions (except for the 1,000 foot buffer zone mandated by I-502). Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural although local authorities may develop marijuana-specific zoning. Make sure local zoning allows your proposed use before committing to a location.

Local governments may also have their own business licensing requirements. They also administer building, fire, electrical, mechanical, energy and plumbing codes. If you plan to make any changes to the structure or use of your building, you may need a permit.

*Tip: Many local governments offer a "pre-application" meeting where you can learn what local permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department and ask for their help. It could save you time and money.*

**State Environmental Policy Act (SEPA)** – SEPA is not a permit; it is an environmental review process which helps governments make decisions about permits and other actions. The WSLCB completed a SEPA review for the rules governing marijuana licensing. Individual producer operations may also have to undertake SEPA reviews. Local permitting agencies will determine if it is necessary.

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes such as wastewater and solid waste disposal, CO<sub>2</sub> use in the growing cycle, odors, etc. may be included. Additional guidance about SEPA can be found at:

- [www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html](http://www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html)

### State and Regional Environmental Permits and Regulations

There are a number of environmental permits and regulations that may apply to indoor growing operations. These permits are generally administered by state or regional agencies unless a local jurisdiction has been delegated by the state to issue the permit.

**Water Quality Permits** – water quality permits address wastewater or stormwater discharged from a facility or leaving facility grounds. Indoor marijuana producers may need water quality permits if they discharge wastewater from their growing operations, such as water containing excess fertilizers or if they construct a new facility.

*Wastewater discharge permits* can be issued by either the state Department of Ecology (Ecology) or a local jurisdiction, such as King County, if it has delegated authority. For more information see:

- <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=20>
- [www.kingcounty.gov/environment/wastewater/IndustrialWaste/DischargeApprovalOverview.aspx](http://www.kingcounty.gov/environment/wastewater/IndustrialWaste/DischargeApprovalOverview.aspx)

*Tip: Come to your pre-application meeting prepared to describe the amount of water you will need to operate your business, how much wastewater you will discharge and the wastewater composition. This will*

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<sup>1</sup> The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate and approval.

help regulators decide if you need a waste water discharge permit, an authorization or your discharge is exempt.

Construction stormwater permits are issued by Ecology and might be needed for construction of a new facility. They are required for land-disturbing activities that disturb one or more acres of land and that discharge stormwater into surface waters of the state. Smaller sites may also need a permit if they are part of a larger development that will disturb one acre or more. For more information see:

- <https://fortress.wa.gov/ecy/publications/publications/1010077.pdf>

**Chemigation and Fertigation Regulations** – Chemigation or fertigation refers to the application of fertilizers and/or pesticides through an irrigation water system. (The definition of fertilizers includes water reclaimed from food processing or wastewater treatment facilities.)

Chemigation and fertigation systems must be installed according to state regulations, WAC 16-202-1001 and WAC 16-202-2002. The Department of Agriculture has a technical assistance program to assist individuals who chemigate and fertigate in protecting human health and the environment from the potential hazard of improper fertilizer and pesticide use. For more information see:

- <http://agr.wa.gov/PestFert/ChemFert/>
- <http://apps.leg.wa.gov/WAC/default.aspx?cite=16-202>

**Air Quality Permits** – Air quality permits regulate releases from industry that could contribute to an increase in air pollution and are issued by Ecology or a local clean air agency, depending on location. If a facility uses a boiler in its operations, such as for heating or CO<sub>2</sub> generation, that boiler could need a permit. See: <http://apps.oria.wa.gov/permithandbook/permitdetail.asp?id=108>

In addition, clean air agencies have the authority to regulate odors that “may unreasonably interfere with another property owner’s use or enjoyment of his property”, (WAC 173-400-040(5)). Facilities that receive odor complaints can be subject to fines or be required to add air filtration equipment.

To determine who regulates air quality in your region, see:

- [www.ecy.wa.gov/programs/air/local.html](http://www.ecy.wa.gov/programs/air/local.html)

*Tip: Contact the local clean air authority or Ecology before beginning operations to determine if any permit is needed for your operation. Before odor complaints occur, consider adding odor control technology to your building’s heating, ventilation and air conditioning system.*

**Solid Waste Handling** –The marijuana licensing rules require that marijuana wastes from indoor growing operations be rendered unusable by mixing with 50% other materials and ground before disposal or composting. These ground and mixed materials are considered “solid waste” by the state regulations and must be handled according to the state Solid Waste Handling Standards (WAC 173-350) and the requirements of the marijuana licensing rules.

Solid waste regulatory oversight is the responsibility of county health districts (sometimes called “environmental health”). Producers should work with their health district to determine proper disposal of solid wastes.

*Tip: Determine how you want to handle your solid waste before beginning operations. Be prepared to discuss the following with your local health district (be as specific as possible):*

- *How much waste will you have?*
- *What you will be mixing the marijuana waste with to render it unusable?*
- *How, where and for how long will marijuana waste be stored?*
- *Where will the unusable marijuana waste be sent and who will be transporting it?*
- *Are you planning to compost marijuana waste on-site?*

To find local health districts see:

[www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx](http://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx)

**Hazardous Waste Management** – Waste pesticides and used mercury-containing bulbs, including high-intensity discharge bulbs (HID), may require special disposal.

- Mercury-containing bulbs: As of January 1, 2013, all mercury-containing lights must be recycled (RCW 70.275.080). For information see: [www.ecy.wa.gov/mercury/mercury\\_light\\_bulbs.html](http://www.ecy.wa.gov/mercury/mercury_light_bulbs.html)
- Waste pesticides: The WA State Department of Agriculture operates a waste pesticide collection program; <http://agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx>

*Tip: Waste pesticides may be accepted at your local hazardous waste collection facility and a list of commercial lamp recyclers can be found at: <http://apps.ecy.wa.gov/hwsd/> by searching under "Fluorescent Light and Ballast Management."*

### **Do You Need Environmental Permits?**

Applicants are advised to consult with local and state authorities since permit requirements vary based on site- and process-specific conditions. This document is for reference purposes only. Your local permitting agency should be able to determine if you will need any environmental permits.

You can also contact the Department of Ecology in your region for more information and assistance. See [www.ecy.wa.gov/org.html](http://www.ecy.wa.gov/org.html)



## Exhibit X

Article Link: <http://www.webmd.com/mental-health/addiction/marijuana-use-and-its-effects>

# Substance Abuse and Addiction Health Center

## How Does Marijuana Affect You?

In this article

Physical Effects

Changes to Mind and Mood

Risks of Marijuana Use

Listen 

If you've ever smoked a joint or eaten a pot-laced brownie, you're hardly alone: More than 1 in 3 people in America have tried marijuana at one point in their lives.

Though occasional use isn't usually harmful, pot can affect your body and mind any time it gets into your system. Here's what you need to know.

### Physical Effects

Marijuana comes from the hemp plant *Cannabis sativa*. It has an active ingredient called THC that makes you feel high. THC and other compounds in marijuana can also affect the way your body works.

Most people smoke the plant's dried leaves, flowers, stems, and seeds. But marijuana can also be mixed into food (like brownies, cookies, and lollipops), brewed as a tea, or inhaled with a vaporizer.

No matter how it gets into your system, it affects almost every organ in your body, and your nervous system and immune system, too. When you smoke pot, your body absorbs THC right away. (If you eat a baked good or another item, it may take much longer for your body to absorb THC, because it has to break down in your stomach before it enters your bloodstream). You may notice changes in your body right after you smoke. The effects usually stop after 3 or 4 hours.

Smoking pot can increase your heart rate by as much as two times for up to 3 hours. That's why some people have a heart attack right after they use marijuana. It can increase bleeding, lower blood pressure, and affect your blood sugar, too.

We don't yet know if marijuana is linked to higher odds of getting lung cancer. But the process does irritate your lungs -- which is why regular pot smokers are more likely to have an ongoing cough and to have lung-related health problems like chest colds and lung infections.

Other physical effects of marijuana include:

- Dizziness
- Shallow breathing
- Red eyes and dilated pupils
- Dry mouth
- Increased appetite
- Slowed reaction time (If you drive after using marijuana, your risk of being in a car accident more than doubles.)

If you're a long-time user, you can have physical withdrawal symptoms -- like cravings, irritability, sleeplessness, and less appetite -- when you stop.

## Changes to Mind and Mood

Most people use marijuana because the high makes them feel happy, relaxed, or detached from reality.

Smoking pot can also have less-pleasant effects on your mind and mood, too. You might have:

- A distorted sense of time
- Random thinking
- Paranoia
- Anxiety
- Depression
- Short-term forgetfulness

These effects usually ease up a few hours after you've used the drug.

## Risks of Marijuana Use

Though you may have heard otherwise, marijuana *can* be addictive: Nearly 10% of people who use it become dependent on it. It isn't clear whether marijuana is a gateway drug that makes people more likely to try harder drugs like cocaine and heroin.

The amount of THC in marijuana has gone up in recent years. Most leaves used to contain between 1% and 4% THC. Now most have closer to 7%. Experts worry this might make it easier to become dependent on or addicted to marijuana -- and it also strengthens many of the drug's mind-altering effects.

Even if you buy from a legal, state-regulated dispensary, it can be hard to know exactly how much THC or other compounds found in marijuana you're ingesting, so the effects can be unpredictable.

Marijuana can also cause more health problems if you have a condition like liver disease, low blood pressure, or diabetes.

If you're a man, heavy use could lower your testosterone levels, and your sperm count and quality. That, in turn, can zap your libido and fertility.

Research shows a link between marijuana use and mental health problems like depression, anxiety, suicidal thoughts, short-term psychosis, and schizophrenia. While it's not clear if marijuana causes these conditions, it can make them worse.

### Commonly Abused Prescription and Over-the-Counter Drugs

WebMD Medical Reference

#### SOURCES:

Gallup Analytics: "In U.S., 38% Have Tried Marijuana, Little Changed Since '80s."

Harvard Medical School: "Medical Marijuana and the Mind."

National Institute on Drug Abuse: "Drug Facts: Marijuana."

Mayo Clinic: "Marijuana (Cannabis sativa)."

National Highway Traffic Safety Administration: "Cannabis/Marijuana."

Melamede, R. *Harm Reduction Journal*, October 2005.

Tashkin, D. *Annals of the American Thoracic Society*, June 2013.

National Institute on Drug Abuse: "Cannabis (Marijuana): Health Effects."

Johns, A., *The British Journal of Psychiatry*, 2001.

Morrall, A. *Addiction*, October 2001.

Rand Corporation, Research Briefs: "Using Marijuana May Not Raise the Risk of Using Harder Drugs."

Mary-Ann Fitzcharles, MD, associate professor of medicine in the department of rheumatology and McGill pain management unit at McGill University in Canada.

Stuart L. Silverman, MD, attending physician at Cedars-Sinai Medical Center in Beverly Hills, CA.

Brown, T. *Journal of Clinical Pharmacology*, November 2002.

Reviewed by Melinda Ratini, DO, MS on October 09, 2014

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My Notes:

12/19/2014 4:10 PM

Further Reading:      Top Picks

[Slideshow: Medical Marijuana](#)

[Slideshow: Lung Cancer Risks -- Myths and Facts](#)

[What are the risks of marijuana use?](#)

[Fibromyalgia and Medical Marijuana](#)

[Mary Louise Parker on Momhood and Marijuana](#)

[Infertility: Tobacco, Marijuana, and Other Drugs](#)

[Infertility, Smoking and Drugs](#)

[See All Marijuana Topics](#)

[Video: Longterm Effects of E-Cigs](#)

[How Much Drinking Is Too Much?](#)

[7 Signs of a Prescription Drug Problem](#)

[Help On How to Kick Your Addiction](#)

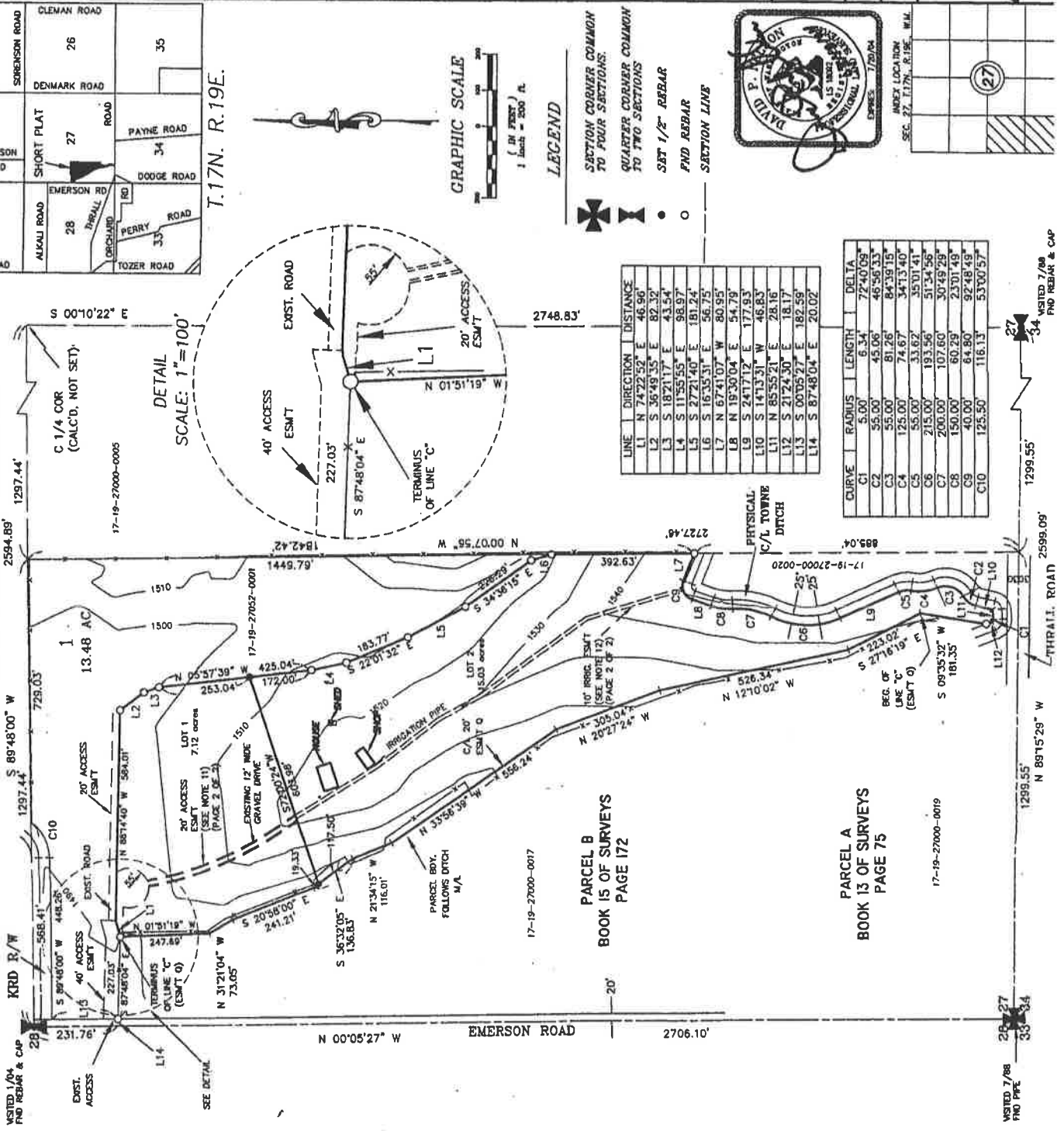
[PTSD and Alcohol Abuse](#)

[Alcohol Abuse and Depression: Which Leads the Other?](#)

# Exhibit Y

## ERDMAN SHORT PLAT PORTION OF THE SOUTHWEST QUARTER SECTION 27, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., KITITITAS COUNTY, WASHINGTON.

SP-04-02



I hereby certify that the ERDMAN Short Plat has been examined by me and found to conform to the comprehensive plan of the Kittitas County Planning Commission.

Dated this 27th day of APRIL, A.D., 2004

*David P. Nelson*  
Public Works Director

**COUNTY PLANNING DIRECTOR**

that the ERDMAN Short Plat has been examined by me and found to conform to the comprehensive plan of the Kittitas County Planning Commission.

Dated this 27th day of APRIL, A.D., 2004

*David P. Nelson*  
Public Works Director

**KITITITAS COUNTY HEALTH DEPARTMENT**

Preliminary inspection indicated soil conditions may allow use of septic systems in this area. This is subject to approval for some, but not necessarily all, building sites. Prospective purchasers of lots are urged to make inquiries at the County Health Department about issuance of septic tank permits for lots.

Dated this 27th day of APRIL, A.D., 2004

*John W. Lister*  
Kittitas County Health Officer

**CERTIFICATE OF AUDIT**

I hereby certify that the taxes and fees shown on this plat are correct for the year and for this year and for the year ending with the date of this plat.

Dated this 27th day of APRIL, A.D., 2004

*David B. Bowen*  
Kittitas County Treasurer

**RECORDER'S CERTIFICATE 200404200021**

Filed for record this 20th day of April, 2004, at 1:02 P.M. in book 117, page 27, at the request of DAVID P. NELSON, Surveyor's Name.

*David B. Bowen*  
County Auditor

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of THOMAS L. ERDMAN, in JAN, 2004.

*DAVID P. NELSON*  
Certificate No. 18092

**K.C.S.P. NO. 04-02**

**A PORTION OF SW 1/4, SEC. 27, T17N, R19E, WM**

**Kittitas County, Washington**

OWN BY	DATE	JOB NO.
D. PIERCE	02/2004	04502
CHKD BY	SCALE	SHEET
D. NELSON	1"=200'	1 OF 2

**EASTSIDE CONSULTANTS, INC.**  
ENGINEERS - SURVEYORS 214 PENNSYLVANIA AVE  
CLE ELUM, WASHINGTON 98822  
PHONE: 609074-7433

27  
33-34  
VISED 7/88  
P&D REBAR & CAP

SP-04-02

ERDMAN SHORT PLAT  
PORTION OF THE SOUTHWEST QUARTER OF SECTION 27,  
TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M.,  
KITITAS COUNTY, WASHINGTON.

ADJACENT OWNERS

- 17-19-27052-0001  
JAMES SPERLINE, ETUX  
1000 EMERSON RD.  
ELLENSBURG, WA 98926
- 17-19-27000-0005  
RONALD J. GBB, ETUX  
DOUGLAS F. GBB, ETUX  
4360 DENMARK RD.  
ELLENSBURG, WA 98926
- 17-19-27000-0017  
KEVIN A. MC DOWELL, ETUX  
1040 EMERSON RD.  
ELLENSBURG, WA 98926
- 17-19-27000-0020  
NORBERT OWART, ETUX  
4741 THRALL RD.  
ELLENSBURG, WA 98926
- 17-19-27000-0019  
PATRICK J. CORRETT, ETUX  
1590 EMERSON RD.  
ELLENSBURG, WA 98926

LEGAL DESCRIPTION:

ORIGINAL PARCEL-

LOT 2, BROWETTA SHORT PLAT, AS DESCRIBED AND/OR DELINEATED ON KITITAS COUNTY SHORT PLAT NO. 92-20, RECORDED FEBRUARY 2, 1998 UNDER JURATORS FILE NO. 19880202019 AND FILED IN BOOK 11 OF SHORT PLATS, PAGES 30-40, RECORDS OF KITITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE WEST HALF OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON.

NOTES:

- THIS SURVEY WAS PERFORMED USING A MIRON 03A-521 TOTAL STATION. THE CONTROLLING MONUMENTS AND PROPERTY LINES WERE RE-LOCATED, RE-MARKED AND CHECKED FROM A CLOSED FIELD TRAVELER IN EXCESS OF 1:10.000 NEAR CLOSURE AFTER ADJUSTMENT.
- A PUBLIC UTILITY EASEMENT 10 FEET IN WIDTH IS RESERVED ALONG EACH SIDE OF MIDBROOK LOT LINES SAID EASEMENT SHALL ALSO BE USED FOR IRRIGATION.
- FOR SECTION SUBDIVISION, CORNER DOCUMENTATION AND ADDITIONAL SURVEY INFORMATION, SEE BOOK E OF SHORT PLATS BEARING SHOWN HEREIN IS THE SAME AS SAID SURVEY OF RECORD.
- PER ROW 1710140 LANDOWNERS ARE RESPONSIBLE FOR CONTROLLING AND PREVENTING THE SPREAD OF NOxious WEEDS ACCORDINGLY, THE KITITAS COUNTY NOxious WEED BOARD RECOMMENDS IMMEDIATE RESEEDING OF AREAS DISTURBED BY DEVELOPMENT TO PRECLUDE THE PROLIFERATION OF NOxious WEEDS.
- ANY FURTHER EMBANKMENT OR LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS REQUIREMENTS. SEE KITITAS COUNTY ROAD STANDARDS (SEC. 12.30.010).
- ACCORDING TO RCW 12.50.30 (MATERIALS) SHALL BE "BREAK-AWAY" DESIGN AND BE APPROVED BY THE U.S. POSTAL SERVICE. SEE WSDOT STANDARD DRAWINGS H-12 SHEET 1-1.
- AN APPROVED ACCESS PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO CREATING ANY NEW DRIVEWAY ACCESS ON PERFORMING WORK WITHIN THE COUNTY ROAD RIGHT-OF-WAY.
- THE COSTS OF CONSTRUCTING, MAINTAINING AND SNOW REMOVAL FOR ALL ROADS, STREETS, ALLEYS, ACCESSES AND ALLEYS ARE TO BE PAID BY THE OWNER OF THE LOTS OF THE PLAT AND OF ANY ADJACENT LOTS THAT MAY BE SERVED BY THESE ROADS, STREETS AND ALLEYS.
- THIS SURVEY MAY NOT SHOW ALL EASEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.
- ACCESS TO EMERSON ROAD SERVING PARCEL "Y" (13.49 ACRES) PROPOSED LOT 1 (7.12 ACRES) AND LOT 2 (15.03 ACRES) WILL BE LIMITED TO A SINGLE ACCESS POINT. MAINTENANCE OF THE PRIVATE ACCESS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS WHO BENEFIT FROM ITS USE.
- A 20 FT. ACCESS EASEMENT IS HEREBY RESERVED ALONG THE EXISTING ACCESS ROAD
- 10 FEET ON EACH SIDE OF THE PHYSICAL CENTERLINE OF SAID ACCESS ROAD) ACROSS LOT 1 FOR THE BENEFIT OF LOT 2.
- AN IRRIGATION EASEMENT 10 FT. IN WIDTH (5 FT. ON EACH SIDE OF THE CENTERLINE OF THE EXISTING PIPELINE) ACROSS LOT 1 FOR THE BENEFIT OF LOT 2.



NOTE: THE EXISTING UTILITIES AS SHOWN ON THIS MAP ARE BASED ON THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO STARTING CONSTRUCTION AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES.

Call Before You Dig  
1-800-563-4344

OWNER:  
TIMOTHY M. ERDMAN  
LAURIE A. ERDMAN  
1002 EMERSON RD.  
ELLENSBURG, WA 98926  
(509) 968-4568

EXISTING TAX PARCEL NUMBER 17-19-27052-0002

ORIGINAL PARCEL AREA: 22.15 AC.  
EXISTING ZONE: COMMERCIAL AGRICULTURE  
SOURCE OF WATER: INDIVIDUAL WELLS  
SEWER SYSTEM: SEPTIC  
WIDTH AND TYPE OF ACCESS: 40' COUNTY ROAD R.O.W.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, TIMOTHY M. ERDMAN AND LAURIE A. ERDMAN, HUSBAND AND WIFE AS THEIR SEPARATE ESTATE, OWNERS' FEE SIMPLE OF THE HEREIN DESCRIBED REAL PROPERTY, HEREBY DECLARE, SUBMIT AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS 1<sup>st</sup> DAY OF April, A.D., 2004.

*Timothy M. Erdman*  
TIMOTHY M. ERDMAN

*Laurie A. Erdman*  
LAURIE A. ERDMAN

ACKNOWLEDGMENT

STATE OF WASHINGTON ) S.S.  
COUNTY OF KITITAS )

THIS TO CERTIFY THAT ON THIS 1<sup>st</sup> DAY OF April, A.D., 2004, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED TIMOTHY M. ERDMAN & LAURIE A. ERDMAN, TO BE KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST WRITTEN.

*Mary N. Tark*  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDENT AT Ellensburg  
MY COMMISSION EXPIRES 8/15/04

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WABAMA FEDERAL SAVINGS AND LOAN ASSOC., THE UNDERSIGNED BENEFICIARY OF A DEED OF TRUST DOES HEREBY DECLARE, SUBMIT AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS 2<sup>nd</sup> DAY OF April, A.D., 2004.

*Debra Sue*  
NAME TITLE  
*Debra Sue*  
NAME TITLE

ACKNOWLEDGMENT

STATE OF WASHINGTON ) S.S.  
COUNTY OF KITITAS )

IN THIS MATTER, I, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, do hereby certify that on this 2<sup>nd</sup> DAY OF April, A.D., 2004, BEFORE ME, THE UNDERSIGNED, APPEARED DEBRA SUE, BENEFICIARY OF A DEED OF TRUST, AND SHE HEREBY DECLARED AND ACKNOWLEDGED TO ME THAT SHE SIGNED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO EXECUTE THE SAID INSTRUMENT AND INSTRUMENT TO EXECUTE THE SAID INSTRUMENT AND INSTRUMENT TO EXECUTE THE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL HERETO AFFIXED, AT ELLENSBURG, WASHINGTON, THIS 2<sup>nd</sup> DAY OF APRIL, A.D., 2004.



RECORDER'S CERTIFICATE 2004042200021

Filed for record this 20<sup>th</sup> day of April, 2004, at 1:02 P.M. in book 9 of CERT. PLATS at page 13, at the request of DAVID P. NELSON, Surveyor's Name

DAVID P. NELSON, County Auditor

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of TIMOTHY ERDMAN in JAN, 2004.

DAVID P. NELSON, Certificate No. 18092

K.C.S.P. NO. 04-02  
Kittitas County, Washington

DWN BY	DATE	JOB NO.
D. PIERCE	02/2004	04502
CHKD BY	SCALE	SHEET
D. NELSON	1"=200'	2 OF 2

EASTSIDE CONSULTANTS, INC.  
ENGINEERS - SURVEYORS  
214 PENNSYLVANIA AVE.  
ELLINGTON, WASHINGTON 98922  
PHONE: (509) 874-7433

## Exhibit Z

# Old MacDonald Had a Farm

From Wikipedia, the free encyclopedia

"**Old MacDonald Had a Farm**" is a children's song and nursery rhyme about a farmer named MacDonald (or McDonald, Macdonald) and the various animals he keeps on his farm. Each verse of the song changes the name of the animal and its respective noise. In many versions, the song is cumulative, with the noises from all the earlier verses added to each subsequent verse.<sup>[1]</sup> It has a Roud Folk Song Index number of 745.

### Contents

- 1 Lyrics
- 2 Early versions
- 3 Translations
- 4 Recordings
- 5 See also
- 6 References

"Old MacDonald Had a Farm"	
	Roud #745
<b>Written by</b>	Traditional
<b>Published</b>	1917
<b>Written</b>	U.S.
<b>Language</b>	English
<b>Form</b>	Nursery rhyme

0:00
MENU


The song as recorded in 1927

## Lyrics

In the version commonly sung today, the lyrics allow for a substitutable animal and its respective sound.

Old MacDonald had a farm, E-I-E-I-O,  
 And on that farm he had a [animal name], E-I-E-I-O,  
 With a [animal noise twice] here and a [animal noise twice] there  
 Here a [animal noise], there a [animal noise], everywhere a  
 [animal noise twice]  
 Old MacDonald had a farm, E-I-E-I-O.

Old MacDonald Had a Farm



Old MacDonald Had a Farm.

For example, a verse using a cow as an animal and "moo" as the cow's sound:

Old MacDonald had a farm, E-I-E-I-O.  
 And on that farm he had a cow, E-I-E-I-O.  
 With a moo moo here and a moo moo there  
 Here a moo, there a moo, everywhere a moo moo  
 Old MacDonald had a farm, E-I-E-I-O.

Old McDonald Had a Farm

0:00
MENU

Tune for *Old McDonald Had a Farm*

Problems playing this file? See media help.

Sometimes the ‘with a’ before the animal sound is dropped, which changes the third line to this:

Moo moo here, moo moo there

As sung in earlier versions of the song (heard in the recording above the words "Lyrics") occasionally they would tend to drop the "a [animal sound twice]" and only sing "Everywhere". That would change the fourth line to,

Here a moo, there a moo, everywhere

## Early versions

In the 1917 book *Tommy's Tunes*, a collection of World War I era songs by F. T. Nettleingham, the song "Ohio (Old Macdougall Had a Farm)" has quite similar lyrics—though with a slightly different farmer's name and refrain:

Old Macdougall had a farm in Ohio-i-o,  
 And on that farm he had some dogs in Ohio-i-o,  
 With a bow-wow here, and a bow-wow there,  
 Here a bow, there a wow, everywhere a bow-wow.

The Traditional Ballad Index consider the "Tommy's Tunes" version to be the earliest known version of "Old Macdonald Had a Farm", though it cites numerous variants, some of them much older.<sup>[2]</sup>

Two of these variants were published in Vance Randolph's *Ozark Folksongs* in 1980. One was "Old Missouri", sung by a Mr. H. F. Walker of Missouri in 1922, a version that names different parts of the mule rather than different animals:

Old Missouri had a mule, he-hi-he-hi-ho,  
 And on this mule there were two ears, he-hi-he-hi-ho.  
 With a flip-flop here and a flip-flop there,  
 And here a flop and there a flop and everywhere a flip-flop  
 Old Missouri had a mule, he-hi-he-hi-ho.

A British version of the song, called "The Farmyard, or The Merry Green Fields," was collected in 1908 from a 74-year-old Mrs. Goodey at Marylebone Workhouse, London, and published in Cecil Sharp's *Collection of English Folk Songs*.

Up was I on my fa-ther's farm  
 On a May day morn-ing ear-ly;  
 Feed-ing of my fa-ther's cows  
 On a May day morn-ing ear-ly,  
 With a moo moo here and a moo moo there,  
 Here a moo, there a moo, Here a pret-ty moo.



Six pret-ty maids come and gang a-long o' me  
To the mer-ry green fields of the farm-yard.

Perhaps the earliest recorded member of this family of songs is a number from an opera called *The Kingdom of the Birds*, published in 1719-1720 in Thomas D'Urfey's *Wit and Mirth, or Pills to Purge Melancholy*:

In the Fields in Frost and Snows,  
Watching late and early;  
There I keep my Father's Cows,  
There I Milk 'em Yearly:  
Booing here, Booing there,  
Here a Boo, there a Boo, every where a Boo,  
We defy all Care and Strife,  
In a Charming Country-Life.

## Translations

The lyrics have been translated into other languages and modified slightly to fit rhythmic and cultural requirements. It is still sung as a children's song to the same tune.

- An Egyptian Arabic version of the song exists, with *Geddo Ali* (Grandpa Ali, Egyptian Arabic: جدو على) being the farmer character.
- The Italian version is *Nella vecchia fattoria*.
- The German version is *Old MacDonald hat 'ne Farm* (short for *eine Farm*), keeping the English name of the farmer, and translating the rest quite literally.
- In Spanish it is *En la granja de Pepito* or *En la vieja factoría*.
- In Danish it is *Jens Hansen havde en bondegård* (literally "Jens Hansen had a farmyard") and in Swedish it goes *Per Olsson hade en bonnagård*.
- In Portuguese, the most common version is *Na quinta do tio Manel* (meaning "On the farm of Uncle Manel"), with alternate versions *Seu Lobato tinha um sítio* or even *O velho McDonald tinha uma fazenda* (literally "Old MacDonald Had a Farm").
- In Polish it is *Stary Donald farmę miał* (meaning "Old Donald had a farm") or *Pan McDonald farmę miał* (meaning "Mr. McDonald had a farm").
- In French, *La Ferme à Mathurin* (literally "Mathurin's Farm").
- In Turkish version "Ali Baba'nın Bir Çiftliği Var" (literally: "Ali Baba Has A Farm")
- In Slovene version *Na kmetiji je lepo* (literally: *On a farm it is beautiful*), at least in some versions of the song, the lyrics have been made from childish into vulgar, like a drinking song.
- In Hebrew לודוד משה הייתה חווה (LaDod Moshe hayta hava) or Uncle Moshe Had a Farm. This version was translated by Avraham Broshi.

- In Chinese there are several versions of the song in same tune. But the most popular is: 王老先生有块地 (Wáng lǎo xiānshēng yǒu kuài dì) or Old Mr. Wang Had Some Land.
- In Japanese version ゆかいな牧場 (Yukai-na Makiba, literally: "Happy Farm"), Ichiro, Jiro and Saburo are the farmers who have animals.
- In Japanese version 'マツクのおじさん' (Makku-no Ojisan, literally: "Old man Mac"), sounds playfully like the Western version.
- In Serbian *Svako jutro jedno jaje organizmu snagu daje* (One egg per day gives the strength to human organism)has the same melody.
- In Korean version '그래 그래서' (geulae geulaeseo, literally: "So And"). Old Mr. Park had a farm and animals.
- In Finnish version "Piippolan vaarilla oli talo" (literally: "Grandpa Piippola had a house")

## Recordings

The oldest version listed in The Traditional Ballad Index is the Sam Patterson Trio's "Old MacDonald Had a Farm," released on the Edison label in 1925. This was followed by a version by Gid Tanner & His Skillet Lickers, "Old McDonald Had a Farm" (Columbia Records, 1927) and "McDonald's Farm" by Warren Caplinger's Cumberland Mountain Entertainers (Brunswick Records, 1928). In 1954, the composition was arranged for accordion sextet and recorded for RCA Thesaurus transcriptions by John Serry, Sr. in the United States. Sophie Ellis-Bextor has performed a short excerpt of the song live.

Other popular versions are by Frank Sinatra (Capitol, 1960), Harry Connick Jr., Elvis Presley (in his movie *Double Trouble*), Nat King Cole, Alvin and the Chipmunks, Ella Fitzgerald (on her 1967 Verve album *Whisper Not*), Flatt & Scruggs, Spike Jones and his City Slickers,<sup>[3]</sup> The Three Stooges, Sesame Street cast, Gene Autry, The Kelly Family<sup>[4]</sup> and Nikki Yanofsky.<sup>[5]</sup>

The multi-platinum selling Kidsongs version recorded "A Day At Old MacDonald's Farm" for video and CD release in 1985.<sup>[6]</sup> The Australian children's television show *Play School* recorded a version of this song on the album, *There's A Bear In There*. A rock'n'roll version was recorded by the Isley Brothers in the 50s and in 1961 it became an instrumental by the Piltdown Men as McDonald's Cave.

## See also

- List of animal sounds
- Mary Had a Little Lamb

## References

- ↑ "Old MacDonald Had a Farm" at The Traditional Ballad Index (<http://www.csufresno.edu/folklore/ballads/R457.html>)
- ↑ [1] (<http://www.csufresno.edu/folklore/ballads/R457.html>)
- ↑ "Old MacDonald Had A Farm" - Spike Jones, YouTube (<https://www.youtube.com/watch?v=GIQ8dDJK0Ww>)

4. ^ "Wonderful World! | The Kelly Family Album | Yahoo! Music" (<http://new.music.yahoo.com/kelly-family/albums/wonderful-world--16895845>). New.music.yahoo.com. Retrieved 2011-09-19.
5. ^ "Old MacDonald | Ella...of Thee I Swing" ([http://www.youtube.com/watch?v=NHb5sLLYV\\_U](http://www.youtube.com/watch?v=NHb5sLLYV_U)).
6. ^ <http://kidsongs.com/aboutkidsongs.html>.

Retrieved from "[http://en.wikipedia.org/w/index.php?title=Old\\_MacDonald\\_Had\\_a\\_Farm&oldid=638846030](http://en.wikipedia.org/w/index.php?title=Old_MacDonald_Had_a_Farm&oldid=638846030)"



Wikimedia Commons has media related to *Old MacDonald Had a Farm*.

Categories: [1917 songs](#) | [American folk songs](#) | [Elvis Presley songs](#) | [Children's songs](#) | [Nursery rhymes](#) | [Songs about animals](#) | [Farms](#) | [Fictional farmers](#)

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# Exhibit AA

## ***Brethren Frontier school, Inc. 1061 Emerson Rd Ellensburg, WA***

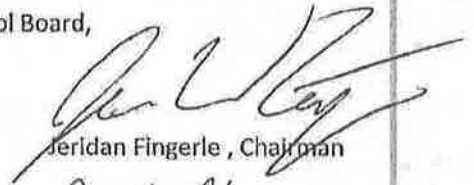
To Whom it may concern,

Current use for the parcel #13147 currently owned by Brethren Frontier School.

-During the school year, organized academic classes are held weekly for the families in our congregation.

-Various social activities held periodically.

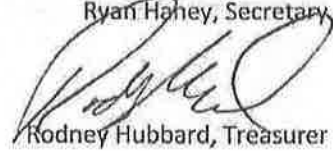
The Brethren Frontier school Board,



Jeridan Fingerle, Chairman



Ryan Hahey, Secretary



Rodney Hubbard, Treasurer



Matt Wise, Board member



Kent Rumble, Board member

**Exhibit BB**  
**Page 1 of 3**



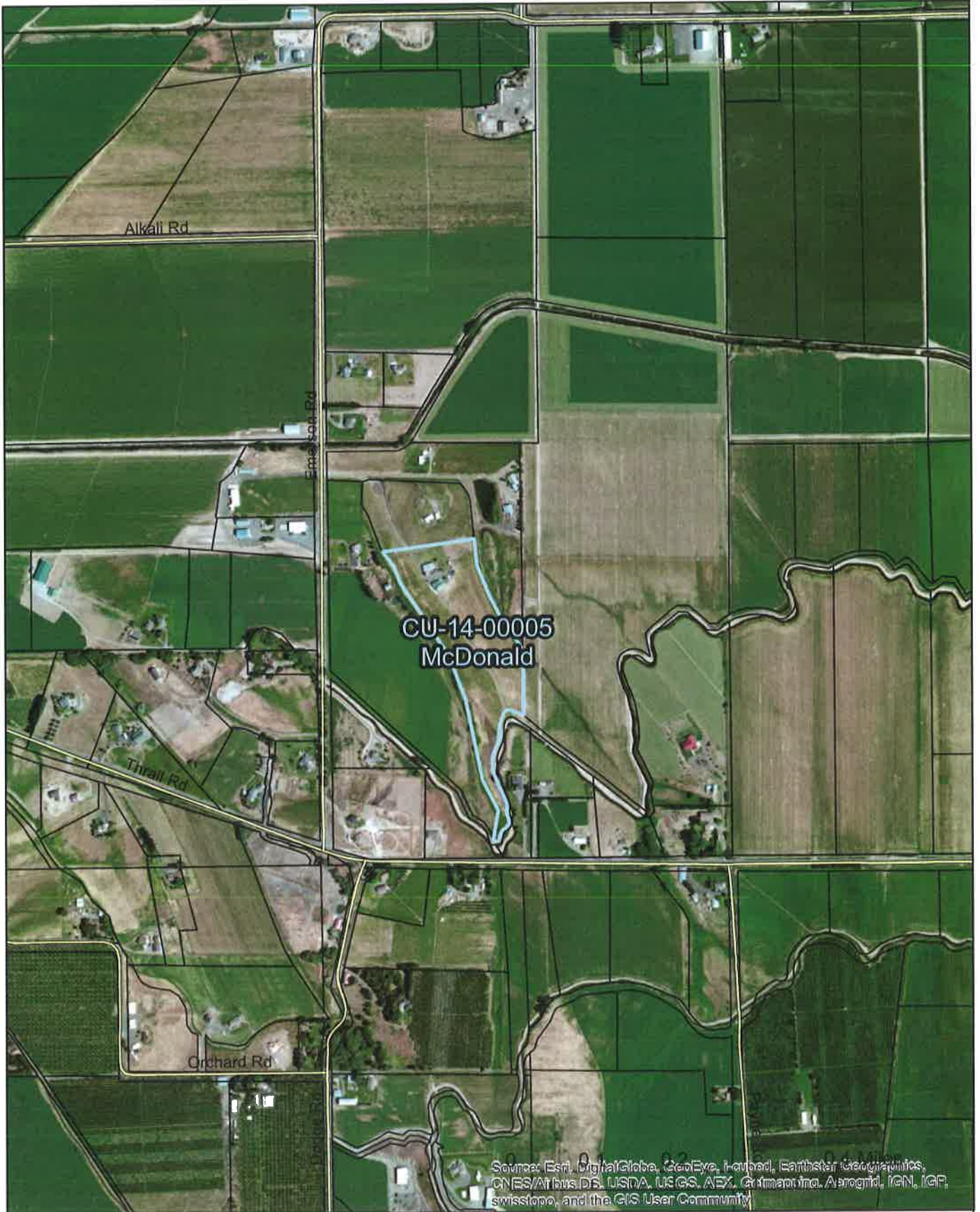
**Exhibit BB**  
**Page 2 of 3**





**Exhibit BB**  
**Page 3 of 3**





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Earthstar Geographics, IGN, IGP, swisstopo, and the GIS User Community

CU-14-00005  
McDonald

Air Photo  
Vertical

12/9/2014

kaycee.hathaway

**Exhibit CC**



## Exhibit DD

Kittitas county. Lots of anti-marijuana rhetoric and doomsday scenarios is proved to be false. A common misconception of people that are pro 502 that means you are pro marijuana, and that's absolutely not the case. We want more intelligent solution to thirty years of failed policy. Do you have a better policy than pursuit over these years, probably not, but so being pro 502 is not pro marijuana. Arguments with hay production, ban 502 because of hay production this argument has been repeated again and again, and repeated in the same thing over, without facts does not make it true. Marijuana is an annual plant with very controlled pollination there is almost zero chance that marijuana can cross pollinate with hay. **Mark Jones, 6300 Robbins Rd**, representing himself, we all have a fear of marijuana. We have a choice to take the tax revenue, or you can sit back and lose it. I watched the corn farmers turn to hay farmers, the hay farmers turn to sudan. This is a new life generation. This is a medical marijuana industry too. We have cancer, we have leukemia, seizures, and the medical is different the recreation. You are gonna sit here and program yourselves that its bad. Get your fact. I am here as a cancer survivor, I have lived here all my life. I watched Boise Cascade collapse, I watched Twin Cities Foods, the biggest growers are Ward Rugh and Anderson, a couple others and that's it. We can wrap it and grab it with our hands and go. And I thank you for having this meeting, and I urge you to get your facts straight because it's all about the money. Open your hearts, and souls and minds, don't be so closed.

**Stephanie McKendrick, Sorenson Rd**, I just have a couple of facts. One fact is a grow operation in production in Badger Pocket, in a three week period I have copies of sheriff's reports of the alarms going off 5 times. That is five times at night that our 2-4 deputies were out in badger pocket taking care of alarms for marijuana. Not only we are losing law enforcements those alarms are darn loud and its not pleasant. Listen to the residents, because if go online, that have now applied for marijuana are Seattle, are Vancouver. Who are you here to serve? The people from the west side or the people who live here. I moved here and I wake up every morning to the green and the hay. I took my life savings to move here because I love this community. Listen to the residents not the owners. The same property owner has not paid their property taxes from April. This same building as has an agricultural building has not had any permitting. Another building has no permits, no permitted well, or septic and hasn't paid their taxes. IS that who you want to have operating a cash business? I urge you to listen to the residents of Kittitas County.

**Rollie Bernth, 650 N Willow St**, representing Kittitas County Timothy Hay Growers Association and others, I have lived in Ellensburg most of my life and difficult time even discussion this topic. What's the benefit of all this? I just don't see this. Our friend their doesn't think there isn't risk involve, and right now we are trying to ship hay to China their hay that was shipped over there wasn't even close to a GMO alfalfa field. The potential for contamination is there. If it happens this country will be in real financial trouble and the farmers will be out of business because our markets won't accept that. I don't understand why the County Commissioners didn't place a moratorium. Why are we letting three people decide our future? We should have a say in this. Again, what's the benefit? I don't know but this could turn out like Obama care cause we won't find out till it happens.

**Sandy Linder, 4961 Nanuam Rd**, I too agree that marijuana is not a normal agricultural crop. If you watched the news from the tri-cities you would see people climbing over fences and stealing the crop. Other growers are sleeping in tents to protect their product; I haven't seen a timothy hay farmer sleep in a tent to protect his hay bales. Why would you want to put that in our neighborhood? I don't think law enforcement is strong enough to handle this. When you call someone and you live in a rural community it takes a while to get there. I urge you to ban it outright, but if you are not going to do that move it to an area where our law enforcement can take care of it.

**Kaz Murata, 7180 Sorenson Rd**, one thing that puzzles me the most is the definition of agricultural. But if you apply the same principle heroin and opium is a poppy and a plant, and cocoa is a plant that produces cocaine, but it's an agricultural plant. Marijuana seems to me comes at a price, sold by gram, and goes to the straight to the brain. It does not provide any nourishment to the body. Marijuana only

## Exhibit A

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page A-10

## Exhibit EE

Follow us on Twitter for the latest updates! @BinxBuds

20 Oct

Binx Buds@BinxBuds

Submitting Conditional Use Permitting for 7 Acres of Cannabis... Yes, worth the \$2,575 Fee. #BinxBuds #WontBackDown

10 Oct

Binx Buds@BinxBuds

Putting up some more houses #facilitybuild #binxbuds #staylifted#workhardplayhard pic.twitter.com/1twkurMxWq

06 Oct

Binx Buds@BinxBuds

We got our water tanks in! #tjstimeoutcenter #watertanks #thatmolegame#binxbuds pic.twitter.com/jIzPWE9VQ3

30 Sep

Binx Buds@BinxBuds

More Water

Tanks! #kittitascounty #waterwitchhunt #mymoney #mywaterpic.twitter.com/zVRoO9YnrF

21 Sep

The High Eye@theHighEye

The greatest pleasure in life is doing what people say you cannot do.

Retweeted by Binx Buds

Our Application Story

\*Wrong year on post as it's only 2014 as copied from their website to here.

September 3rd 2015 - Intake and exhaust finally got here and are now installed! The fence is also ready for siding and our 3rd and 4th greenhouses are on there way! Things are really coming together quickly (which is good, because summer is coming to an end VERY quickly) and we are stoked! Staying on track will definitely be crucial in these coming months to get our Commercial Marijuana Licenses! Positive Vibes!

August 19th 2015 - Its been a while since we have given all of you an update (unless you're one of the cool cats out there who have been following us on twitter). If there is one thing we have learned, its that nothing is easy! We now have half of our facility built and are about to embark on our fence building journey!

A week ago we were blessed with the opportunity to go help out a fellow herbsman in the valley! A tier three outdoor operation with over 1600 tagged and registered plants! As I was putting on my visitors pass Mike (master grower) told me "its really anticlimactic". As I was shown the state and county licenses posted at the main entrance, I got a rather unfamiliar feeling. I was about to step into a fully state licensed MARIJUANA operation! As I walked in it was just like any other nursery or garden - just FULL of pot plants! Its definitely motivation and brings a good

feeling of this can be done! We are still finishing up our facility, but well on our way!

July 15th 2014 - Our cease and desist on our building application has been lifted! we can now get back to building our fence!

July 9th, 2014 - Our cloning Facility has been painted! building our racks and getting started on the plumbing and irrigation design. Things are really coming together!

June 22, 2014 - Our first shipping container has arrived! The transformation is underway on our new cloning room. Nothing is easy, if it were it wouldn't be worth it.

June 18, 2014 - What momma don't know won't hurt her. - We have finally found a guy to cut our hay! Hopefully he will fluff and bail it before he finds out about our intentions on the property! Things are definitely looking up for all of the farm animals!

June 12, 2014 - Every once in a while something crosses our path that is new to us. This unfamiliar thing can bring fear and even hatred. We are building our cannabis farm in the middle of a 15 acre hobby hay farm. The majority of the Timothy hay farmers in the area are not too fond of the legalization of marijuana, let alone having it grown next to their fields. Farmers in the valley should get more credit than they are given. They have done location searches on possible facilities and they have an amazing network. Needless to say, they are boycotting anyone who has applied for a marijuana license. Now we are in search of a farmer to cut our hay.

June 9, 2014 - After filling out a very long intensive online form, we have finished our financial and criminal background application. This was definitely a milestone worth celebrating!

June 3, 2014 - Remember- nothing is easy! We got a cease and desist letter from the county for our fence. Dang it! Now we have to apply for a conditional use permit to build and operate our facility. With many other projects to keep us busy we are not going to let this get us down. Time to shift our focus and get back to work.

May 2014 - We got our fence permit and started drilling post holes and popping up greenhouse frames! Things are starting to get more and more real!

May 2014 - The County passed marijuana!!! After months of stress and plain lack of patience the best news has finally come! Our location meets all of the criteria. Lets get started!

April 20, 2014 - We found a home for our soon to be babies! Marijuana babies that is. Wait a minute, nothing can be that easy! The County still has not made a ruling as to the future zoning of Marijuana.

March 2014 - The county still has yet to make a ruling on marijuana. We don't have a location to start working and summer is approaching. Being young and naive, we are coming to the realization that dealing with the government is rather slow. Also, things take a lot longer than you initially think. We just want to work!

February 2014 - We finally had our phone interview with the State! Things went well and our State Rep. turned out to be a cool guy. Things definitely work better when you get assigned someone who is as helpful as he is.

January 15 2014 - The County was supposed to have a ruling as to where marijuana will be zoned- if they will allow it in Kittitas County. We have been going to all of the county hearings and workshops, hoping to coax them to refrain from putting a ban on marijuana in the county. Without a ruling on land, zoning or size we aren't able to purchase property to start building our facility.

January 2014 - After long anticipation, we finally lost patience and called the State LCB to ask if they had received our license application. Only to hear that they have it and we're in line to hear back soon. At this point we realized that there were a LOT of people applying. We better bring our A game!

Dec. 19, 2013 - After pitching our ideas to investors we were able to raise enough money to get the ball rolling. We applied with the Liquor Control Board for a Recreational Marijuana License.

Aug. 7, 2013 - The Liquor Control Board was holding a public comment hearing at Central Washington University. Attending were people of all sorts, those gearing up to play in the new industry and those apposing. It was very eye opening to see the process and gain appreciation for all of the hard work that the LCB has put into this new marijuana industry.

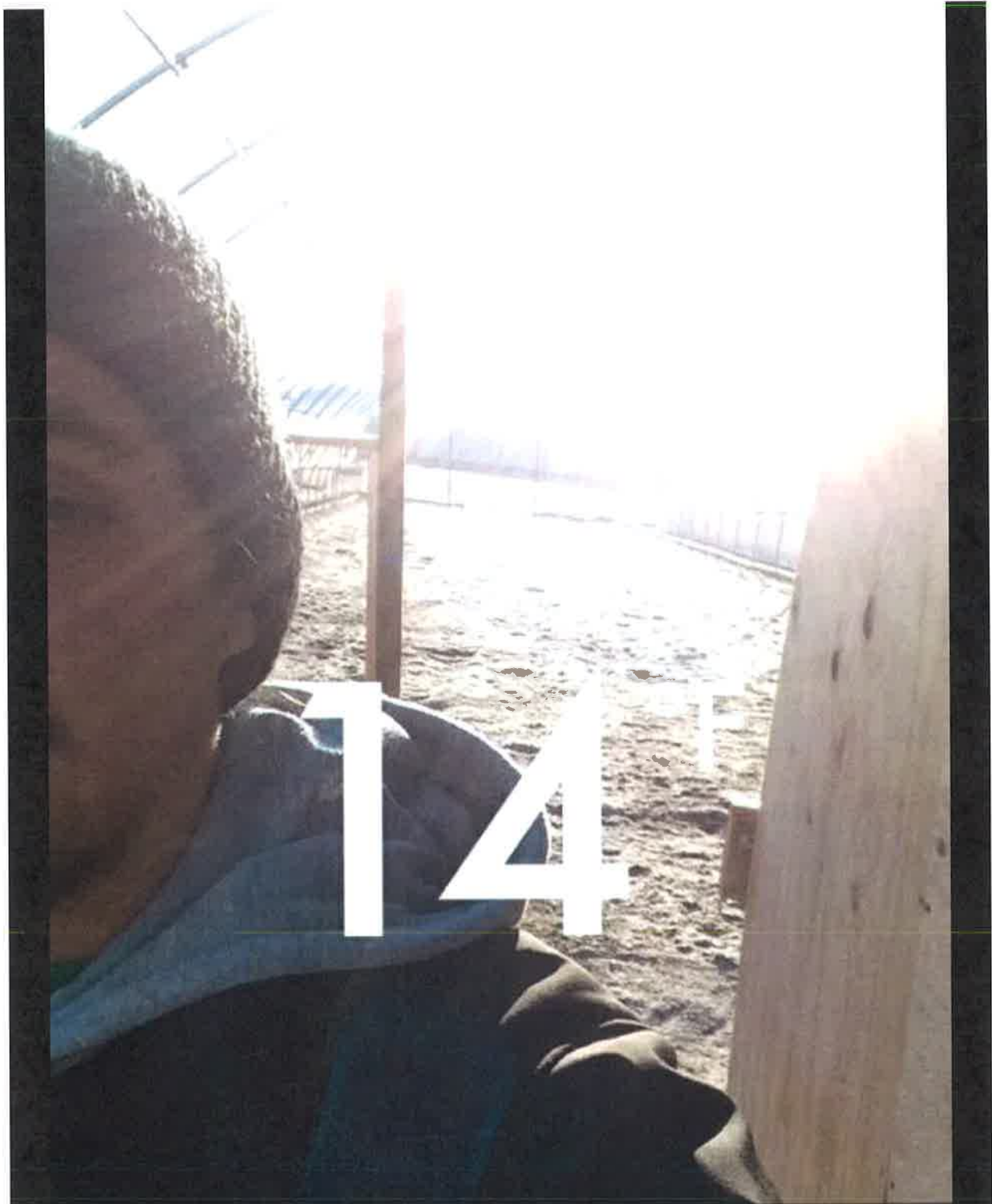
2012 - Marijuana was just legalized, we were running a non-profit group in Ellensburg, WA. Being young and ambitious we started throwing back the idea of applying.

2012 - A Bill was passed through law known as I-502. This bill legalized the production, processing, retail sales and the recreational use of Marijuana.



**Binx Buds on Twitter: "Putting up some more houses #facilitybuild #binxbuds..."**

TWITTER.COM|BY BINX BUDS



Sun feels good!





**Exhibit FF**



## Exhibit GG

Jeff Slothower

---

**From:** Becky McDowell <becky@oldmilleburg.com>  
**Sent:** Monday, December 22, 2014 7:52 AM  
**To:** Jeff Slothower  
**Subject:** FW: Purchasing a home in Ellensburg

For McDonald CU-14-0005

-----Original Message-----

**From:** Cheryl A. Johnson [mailto:rebelridgeranch@aol.com]  
**Sent:** Monday, December 22, 2014 1:03 AM  
**To:** Becky McDowell  
**Subject:** Purchasing a home in Ellensburg

To whom it may concern.

My husband and I had been planning for years to retire in the Ellensburg Valley. My father's family has been in the Valley for generations. I have always enjoyed the beauty of the valley. We have shopped and planned for our retirement for quite awhile and have been working with one of your local realtor. We purchased one small farm a year and a half ago, for our daughter. Now while shopping for a larger estate for ourselves, I'm quite shocked at how many marijuana facilities have been built and future marijuana grow/process facilities to be built in the area. We looked at a beautiful home in the Badger Pocket area, one of our favorite areas, unfortunately we wouldn't even consider buying this fairly new home. The view was ruined by the obnoxious green chain link fencing, that just shouts out grow operation. This would not be an investment we would be able to resell. Who would buy from us at a later date, I'm sure potential buyers would feel like we do.

I have no intention of buying in an area where I have to deal with the crime issues, water (well) issues due to the fact that they can't use federal water; a grow operation can use over 5,000 gallons of water a day. We would not want to buy a house and have to worry about the well going dry and no protection of a marijuana facility moving in close by. This doesn't even include the crime issues yet to develop. Our local law enforcement was concerned about product hijacking. Much easier to rob a delivery van/car of marijuana than a truck load of alcohol. Who wants that risk on their neighborhood roads.

I'm now very skeptical about investing, I had been looking at real estate in the market range of \$500,000 to \$600,000. I am not willing to make that kind of investment and risk having a marijuana grow and processing facility move in next door or in the area and affect my substantial investment.

I currently live in Snohomish county in an upper end five acre tract development. I have full view of the Cascade mountains. It's a very desirable area for my county. Homes do not come up for sell very often. Our neighbor has listed their beautiful home, only to have multiple sales fail due to that fact that a marijuana grow and process facility was trying to open at the end of this development. Fortunately for us our county has placed a moratorium on this issue. To allow more time for the unforeseen issues they did not expect.

These facilities do affect property values and sales. Just as our neighbor could not sell, I won't risk making a large real estate purchasing until I have some guarantees that my investment won't be jeopardized by this very issue. I have witnessed the impact and there is definitely a real estate impact.

I would love to retire in Ellensburg, support local commerce and community. I would like to think my tax dollars and support of local merchant's should have some say in this community planning. Kittitas County will not be collecting the taxes from the facility profits, the state liquor board will.

So at this time our farm investment is on hold. Waiting to see your planning out come.

Sincerely

Cheryl Johnson



## **Exhibit HH**

### **DECLARATION OF TIM ERDMAN**

COMES NOW, TIM ERDMAN, and states and declares:

1. My name is Tim Erdman. I own Kittitas County Tax Parcel No. 10942. I originally owned the Applicants' property and divided my property to create two parcels, one of which (Tax Parcel No. 19660) I then sold to Timothy and Lisa Stowe, who then sold it to the Mary Curley Robinson Irrevocable Trust pursuant to a Statutory Warranty Deed recorded on March 24, 2014 under Kittitas County Auditor's File No. 201403240052.

2. The Erdman Short Plat, recorded on April 20, 2004 under Kittitas County Auditor's File No. 200404200021, is the only document that creates the access easement the Applicants' property has to a County road. That easement is 20 feet wide and was originally intended by me as the creator of the easement to provide access to the Applicants' property for residential purposes.

3. I am very concerned that the Applicants' use of this property for the production and processing of marijuana will result in a significant overburdening of the easement, which will negatively impact my remaining parcel of property. I never intended for the easement I created in the Erdman Short Plat to be used for this type of purpose.

4. Already I have noticed a significant increase in commercial traffic on the easement road. This is causing and will continue to cause negative impacts on my property. Additionally, my neighbors, Kevin and Becky McDowell, installed a gate on their driveway because so many of the commercial vehicles coming to the Applicants' property cannot locate the Applicants' property and continued to drive into Mr. and Mrs. McDowell's property.

5. Additionally, the Applicants indicate their property receives water from the Kittitas Reclamation District. This is not true. When I originally bought the 22 acres from Gaylord Bruketta I received 16 shares of Town Ditch water. When I divided the property into two parcels,

the Applicants' 15 acres and my 7-acre parcel, 11 shares of Town Ditch water were assigned to the 15 acre-parcel and 5 shares to my 7 acres. I share a water conveyance pipe with the Applicants that brings water from the Town Ditch to the Applicants' property and my property.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Ellensburg, Washington on this 22<sup>nd</sup> day of December, 2014.

  
\_\_\_\_\_  
TIM ERDMAN

RCW 69.50.331  
Application for license.

**Exhibit II**

(1) For the purpose of considering any application for a license to produce, process, or sell marijuana, or for the renewal of a license to produce, process, or sell marijuana, the state liquor control board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor control board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor control board and a criminal history record information check. The state liquor control board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases. Subject to the provisions of this section, the state liquor control board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (9) of this section. Authority to approve an uncontested or unopposed license may be granted by the state liquor control board to any staff member the board designates in writing. Conditions for granting this authority shall be adopted by rule. No license of any kind may be issued to:

(a) A person under the age of twenty-one years;

(b) A person doing business as a sole proprietor who has not lawfully resided in the state for at least three months prior to applying to receive a license;

(c) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(d) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The state liquor control board may, in its discretion, subject to the provisions of RCW 69.50.334, suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, or selling marijuana, useable marijuana, or marijuana-infused products thereunder shall be suspended or terminated, as the case may be.

(b) The state liquor control board shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the state liquor control board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The state liquor control board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under rules and regulations the state liquor control board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of

witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the state liquor control board or a subpoena issued by the state liquor control board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the state liquor control board. Where the license has been suspended only, the state liquor control board shall return the license to the licensee at the expiration or termination of the period of suspension. The state liquor control board shall notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, useable marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under chapter 3, Laws of 2013 shall be subject to all conditions and restrictions imposed by chapter 3, Laws of 2013 or by rules adopted by the state liquor control board to implement and enforce chapter 3, Laws of 2013. All conditions and restrictions imposed by the state liquor control board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee shall employ any person under the age of twenty-one years.

(7)(a) Before the state liquor control board issues a new or renewed license to an applicant it shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the state liquor control board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The state liquor control board may extend the time period for submitting written objections.

(c) The written objections shall include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the state liquor control board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the state liquor control board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, state liquor control board representatives shall present and defend the state liquor control board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the state liquor control board shall send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8) The state liquor control board shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child

care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(9) In determining whether to grant or deny a license or renewal of any license, the state liquor control board shall give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

[2013 c 3 § 6 (Initiative Measure No. 502, approved November 6, 2012).]

Notes:

**Intent -- 2013 c 3 (Initiative Measure No. 502):** See note following RCW 69.50.101.

## Kaycee Hathaway

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**From:** Heather Hazlett <HHazlett@lwhsd.com>  
**Sent:** Wednesday, December 24, 2014 10:07 AM  
**To:** Kaycee Hathaway  
**Cc:** Jeff Slothower  
**Subject:** Comment Letter Re Old McDonald's Farm (CU-14-00005)  
**Attachments:** Ltr Kaycee Hathaway, Comments Re CU-14-00005, 12-24-14 FINAL.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello, Kaycee. I will be delivering a hard copy of the attached to your office in a short while. The original I will deliver has the exhibits tabbed for ease of reference. The electronic version of the Exhibits can be downloaded from this link: <https://app.box.com/s/pqvw3oswmhdpoc8n1p6w>

### Heather L. Hazlett

Legal Assistant to Jeff Slothower  
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.  
P.O. Box 1088  
Ellensburg, WA 98926

Phone 509.925.6916  
Fax 509.343.3206

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# Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.  
John P. Winbauer  
Susan K. Harrel  
Jeff Slothower  
James T. Denison, Jr.  
Douglas W. Nicholson

Jeff Slothower  
jslothower@lwbsd.com

Tel (509) 925-6916  
Direct Fax (509) 343-3206  
www.lwbsd.com

December 24, 2014

VIA EMAIL AND HAND DELIVERY  
Kaycee.Hathaway@Co.Kittitas.Wa.US

Kaycee Hathaway  
Kittitas County Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg, WA 98926

**Re: Comment Letter Re CU-14-00005, Old McDonald's Farm**

Dear Ms. Hathaway:

I represent the property owners listed below, who are opposed to the County approving the above-referenced conditional use. I request that this letter and all of the attached documents become part of the record of the above-referenced Conditional Use Permit application.

	<b>Name of Property Owner(s)</b>	<b>Street Address of Property</b>	<b>Tax Parcel No.</b>
1.	Benjamin Corbett	4575 Thrall Rd	955562
2.	Patrick J. Corbett	1590 Emerson Rd	955561
3.	Timothy Erdman	1002 Emerson Rd	10942
4.	The Gibb Family Trust (Ronald Gibb and Douglas Gibb)	660 Sorenson Rd; Sorenson Rd; 600 Sorenson Rd; Sorenson Rd Emerson Rd 4360 Denmark Rd Denmark Rd	270133; 260133; 332336; 11250; 14764; 590133; 50936
5	Kevin and Becky McDowell	1040 Emerson Rd	362336
6.	Gregory A. & Mlynda E. Pieters	40 Dodge Road	750433
7.	James Sperline	1000 Emerson Rd	10941
8.	Thomas R. and Carolyn S. Anderson	Emerson Rd	20961
9.	Donald Kelly	4761 Thrall Rd	350333

	<b>Name of Property Owner(s)</b>	<b>Street Address of Property</b>	<b>Tax Parcel No.</b>
10.	Darron A. Eddington and Melissa J. Mangels	1320 Emerson Rd	195736
11.	Richard L. Burke, Jr. and Mary M. Burke	1401 Emerson Rd	19492
12.	Troy R. Goodreau	111 Dodge Rd Dodge Rd Thrall Rd Thrall Rd	760433 370433 570333 300133
13.	Linda J. Morrison	1321 Emerson Rd	530333
14.	Betty L. Pieters	4890 Thrall Rd	20204; 22033
15.	Steve and Kristene Hymas	122 Sorenson Rd	21006

Enclosed as Exhibit A is a County GIS map with the Applicants’<sup>1</sup> parcel and each of the above-listed property owners parcels labeled.<sup>2</sup> Enclosed as Exhibits B-1 through B-15 are Kittitas County tax parcel summaries of the above-referenced property owners’ parcels. Enclosed as Exhibit C is a County GIS map with a 1000-foot buffer around the Applicant’s property highlighted in red and the parcels located within the 1000-foot buffer area highlighted in blue.

What follows is a discussion of why the County should reject the application and accompanying SEPA Checklist and why Conditional Use Permit Application No. CU-14-00005 must be denied by Kittitas County.

**1. The application is incomplete and as such should not be processed.**

The application for a conditional use permit is not complete. The Applicants have not provided any information on the terms and conditions of any permit issued by the Washington State Liquor Control Board (WSLCB) that allows them to produce and/or process marijuana. Without verification that the Applicants have a permit or without actually having the permit, the County cannot assess the true impact on the environment of the proposed activity, nor can the County test the veracity of what the Applicants assert with respect to the criteria in KCC 17.60A.015 the Applicants are required to prove. The County should require the Applicants to have a permit to produce and process marijuana from the WSLCB before the County conducts SEPA analysis and before the County reviews whether the Applicants’ proposed use complies with the KCC 17.60A.015 criteria. Additionally, the land subject to the application is owned by the Mary Curley Robinson Irrevocable Trust (see Exhibit G, Kittitas County Tax Parcel summary printout of the subject parcel; see also, Exhibit U, Statutory Warranty Deed conveying the subject parcel to the Mary Curley Robinson Irrevocable Trust). The Trustee of the Trust is Carol Eng. However, the application identifies the landowner as Mary Gonzalez. Therefore, because the application has not been signed by the landowner of record it is defective and must be rejected.

<sup>1</sup> It is not clear on the Zoning Conditional Use Permit Application (see Exhibit V) who the applicant actually is. The landowner of record is identified as Mary Gonzalez, who has no interest in the property. The property is owned by the Mary Curley Robinson Irrevocable Trust (see Section 1 and Exhibit U). TJ McDonald is listed as an authorized agent and Zack Dekker is listed as another contact person. To avoid confusion, we refer to Ms. Gonzalez, Mr. McDonald and Mr. Dekker collectively as “Applicants.”

<sup>2</sup> Tax Parcel Nos. 590133 and 50936 are not shown on the map attached as Exhibit A because those parcels are just outside (to the East) of the area depicted on the map.



**2. The proposed conditional use is not an allowed conditional use under the Kittitas County Code.**

The proposed conditional use, the production and processing of marijuana in the Commercial Agriculture zone on a non-conforming parcel at least ten (10) acres in size is no longer an allowed conditional use in the Commercial Agriculture zone. Therefore, the County is prohibited from issuing this Conditional Use Permit.

When the Applicant applied for this Conditional Use Permit, Kittitas County Code Section KCC 17.15.050.1, FN 29 was in place. This section provided marijuana production and processing on lots below the minimum lot size was an administrative conditional use that required the applicant to, in addition to demonstrating the criteria set forth in KCC 17.60A, also demonstrate the following:

Marijuana production or processing on non-conforming legal lots of record must be at least 10 (ten) acres in size, are processed as an Administrative Conditional Use, and must:

1. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.
2. Meet all International Fire Code and International Building Code requirements.
3. Agree to an annual fire protection inspection.
4. Provide 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.
5. All buildings or planting operations requiring security by law must be setback at least 60 feet from any property boundary.
6. Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.
7. Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.\*

On December 2, 2014, the Kittitas County Board of County Commissioners adopted Ordinance 2014-015 that eliminated the production and processing of marijuana as a conditional use in the Commercial Agriculture zone (see Exhibit M for the text of the portion of the ordinance relating to marijuana). Under Washington's vested rights doctrine, an application for a conditional use permit is not sufficient to vest to the prior code. Thus, this application must now be processed under the code adopted by the County on December 2, 2014, which no longer allows the proposed conditional use.

The vested rights doctrine provides that a developer who files a completed building permit or subdivision application that complies with zoning laws and regulations in force at the time the application is filed has a vested right to develop land under those laws and regulations. *Hull v. Hunt*, 53 Wn.2d 125, 130, 331 P.2d 856 (1958). *Kelly v. Chelan County*, 157 Wash.App. 417, 424, 237 P.3d 346 (2010); see also, *Jones v. Town of Woodway*, 70 Wn.2d 977, 984, 425 P.2d 904 (1967). However, in *Potala Village Kirkland LLC v. City of Kirkland*, \_\_\_ Wn.2d \_\_\_, 334 P.3d 1143 (2014), the court concluded that vesting in Washington is only based on two statutory provisions, RCW 19.27.095(1), building permits, and RCW 58.17.033(1), preliminary plat applications. Since the Applicants have not applied to build a structure and have not applied to divide land, the application for a conditional use permit does not vest. Therefore, because this use is no longer allowed as a permitted or conditional use in the Commercial Agriculture zone, this application cannot be approved and the analysis by the County should cease.

Without waiving arguments that the application is incomplete and/or arguments that the proposed conditional use is no longer an allowed conditional use in the Commercial Agriculture zone, the deficiencies in the SEPA process, the inaccuracies in the SEPA Checklist and the failure to demonstrate the conditional use criteria in KCC 17.60A will be discussed below.

### 3. SEPA

#### 3.1 The optional WAC 197-11-355 SEPA process.

The notice of application<sup>3</sup> indicates the County expects to issue a DNS and will therefore use the optional DNS process authorized under WAC 197-11-355. This process requires Kittitas County to consider public comments generated as a result of the notice and to issue either a DNS or MDNS, but only under the conditions set forth in WAC 197-11-355. However, if the County as lead agency concludes the impacts to the environment cannot be mitigated to an insignificant level, then the County as lead agency may abandon the optional DNS process and require an Environmental Impact Statement.

Kittitas County did not list anticipated mitigation measures on the notice of application as required under WAC 197-11-355(2)(b). The optional DNS process requires this so that the public knows when and what mitigation measures are being anticipated and have an opportunity to comment on whether the proposed mitigation measures are sufficient to mitigate the environmental impact to an insignificant level. The mitigation measures listed must mitigate all impacts to an insignificant level (see also, *DOE SEPA Handbook*, subsection 8.3). The County's

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<sup>3</sup> Copy enclosed as Exhibit D.

MDNS merely says mitigation may be required, but WAC 197-11-355(2)(b) requires anticipated mitigation to be identified with specificity. Thus, the County is erroneously following the optional DNS process. The County, if it continues processing this application, should allow a second comment period as required under WAC 197-11-355(4)(b) to allow members of the public to further comment on the proposed mitigation measures. If the County fails to allow a second comment period the County SEPA decision will be erroneous.

### **3.2 The SEPA Checklist contains inaccurate, misleading and incomplete information.**

The record generated in the SEPA process must demonstrate that environmental factors were considered in a manner sufficient to amount to *prima facie* compliance with the procedural requirements of SEPA. See *Ellensburg Cement Prod., Inc. v. Kittitas County*, 171 Wn. App. 691, 712, 287 P.3d 718 (2012); see also, *Pease Hill Cemetery Group v. Spokane County*, 62 Wn.App. 800, 810, 816 P.2d 37 (1991). In order to accomplish this, the SEPA determination must be based upon information reasonably sufficient to determine the environmental impact of a proposal. *Id.* The County has an obligation to determine that the project is properly defined before it undertakes environmental review. WAC 197-11-060(3)(a).

The SEPA Checklist submitted by the Applicants is incomplete, inaccurate, misleading and often vague. The purpose of a SEPA Checklist is to provide information to the lead agency about the proposal and its probable environmental impacts. *DOE SEPA Handbook*, § 2.5. As the lead agency, Kittitas County is responsible for the review of the environmental checklist, permit applications and the additional information on the proposal to determine environmental impacts and mitigation measures necessary to make the environmental impacts insignificant. *Id.* The SEPA Checklist submitted by the Applicants makes it impossible to identify, evaluate and comment on impacts and potential mitigation. The Applicants have a vested interest in their responses minimizing the potential impacts and thus minimizing subsequent mitigation requirements, therefore, the County must probe and investigate whether the Applicants are truthful, accurate and complete in their responses. County officials should examine very closely any responses which are responded to with an absolute such as “no” or “none.”

Specific sections of the SEPA Checklist that are inaccurate, misleading and incomplete are discussed below with a heading for each section corresponding to the SEPA Checklist.<sup>4</sup>

**3.2.1 Checklist Section A.6.** The Applicants indicate they began building in May of 2014. Photos of the site (Exhibit E) confirm that the Applicants have already started working on the project without obtaining the proper permits.<sup>5</sup> Thus, the Applicants admit that unmitigated environmental impacts to the environment are currently occurring. Kittitas County should immediately issue a stop work order until all proper permitting is obtained.

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<sup>4</sup> Many of the areas of the SEPA Checklist that are inaccurate and as discussed below are also related to specific criteria the Applicants must demonstrate in KCC 17.60A.015 and KCC 17.15.050.1, FN 29, and as a result will be cited to by Section below in the discussion of the conditional use criteria.

<sup>5</sup> See also, Exhibit EE, which is a copy of a Twitter feed posted by Applicants, in which the Applicants discuss the status of their marijuana production and processing operation.

**3.2.2 Checklist Section A.10.** This section requires Applicants to identify any governmental approvals or permits that will be needed for their proposal. The Applicants' response is "WA I502 Producer/Processor License." We assume based upon this response that the Applicants are referring to a license to be a marijuana producer or processor, which must be issued by the WSLCB. The Applicants do not identify if they have a producer/processor license despite admitting in response to Checklist Section A.6 that the applicant has already begun operations on the site. The Applicants should be required to produce a copy of their producer/processor license as part of the application. The producer/processor license issued by the WSLCB contains certain requirements that Kittitas County must be apprised of and must review in order to determine the full environmental impact of the activity and to determine whether the requirements for a conditional use permit are being met (see also, Section 4 below). Without a copy of the producer/processor license a SEPA review is meaningless because the County cannot impose mitigation measures without understanding whether those mitigation measures are supported by or consistent with the producer/processor license.

For instance, the Applicants indicate that at full buildout they will be producing marijuana on 7 acres. However, the WSLCB limits the plant canopy to a much smaller area. The license that allows the largest plant canopy, a Tier 3 permit, only allows a plant canopy of 0.689 acres (43,560 square feet / 30,000 feet allowed in a Tier 3 operation). Why are the Applicants proposing an operation on 7 acres when at best they will always be limited to less than an acre of production? This issue alone is enough for the County to determine the application is incomplete and/or to allow for a second public comment period after the Applicants have produced a copy of their producer/processor permit and the County has proposed mitigation measures under SEPA that the County believes are consistent with the Applicants' producer/processor license. Without that second comment period, the public is deprived of an opportunity for meaningful comment and the County is deprived of any opportunity to assess the impact on the environment of the Applicants' WSLCB permitted use.

**3.2.3 Checklist Section A.11.** The Applicants indicate "[o]ur Processing side will stay very minimal, basic packaging and such, when revenue and WA Liquor Control Board allows, all processing will be performed on other processing sites." (Emphasis added.) Again, the Applicants invoke WSLCB permitting issues, which are not fully disclosed, and as a result Kittitas County cannot engage in meaningful SEPA analysis without a full disclosure of the State issued permits that allow the activity. A literal reading of the sentence infers these Applicants have no WSLCB permit.<sup>6</sup> Without the State issued permit the activity is not allowed in the State of Washington. Even with the State issued permits the activity is a crime under federal law. Additionally, the Applicants use the words "and such." That phrase is inappropriate in a SEPA Checklist. The Applicants need to disclose with particularity what the "and such" is so the County can assess the full environmental impact of the proposed activity and the public can fully exercise their right to comment on the activity. This is another example of why this application is incomplete, inaccurate and vague.

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<sup>6</sup> This writer confirmed with Kittitas County Community Development staff that no WSLCB permit has been presented to the County and they believe none exists yet.

**3.2.4 Checklist Section B.2.** The Applicants indicate there will be emissions to the air from the project resulting from construction and farming operations. The Applicants fail to identify the fact that dust emanating from the production and processing of marijuana will contain marijuana seeds and marijuana dust. The majority of the property in the area is used to raise and harvest Timothy Hay for export. As indicated by the statements from Messrs. Haberman of No. 9 Hay, an international exporter of hay, and the Timothy Hay Growers & Suppliers organization of Kittitas County (see Exhibit I), the buyers of hay come to this county and inspect the hay before they buy. The buyers have refused to buy in the past when they are aware of the possibility of contaminants in the hay. Timothy Hay farmers in the vicinity of the Applicants' property will have to disclose the possibility of marijuana particulate matter in their hay. As a result, these producers will no longer be able to sell their hay for export.<sup>7</sup>

Attached as Exhibit N is information from the National Revenue Conservation Service documenting that in at least several states, marijuana is a noxious weed. Kittitas County and landowners in the County spend significant resources controlling noxious weeds to ensure that noxious weeds are eradicated and/or controlled. The Kittitas County Noxious Weed Control Board's mission is to "protect and preserve the agricultural lands and natural resources of the County from the degrading effects of exotic and invasive noxious weeds."<sup>8</sup> The Applicants seek a permit to raise a noxious weed that will invade neighboring properties, yet propose no mitigation to protect the neighboring properties.

Attached as Exhibit O is information showing that marijuana is toxic to livestock. Virtually all of the small surrounding parcels have horses, livestock and domestic pets on them. The Applicants fail to identify this issue. The fact that dust and seeds from a product that is illegal under federal law could be deposited on adjoining properties and cause harm to those properties and interfere with the activities on those properties is not fully disclosed by the Applicants and because it is not disclosed no mitigation is proposed. In order to determine the nature and extent of the harm and interference, the proposed use should be subject to a full blown Environmental Impact Statement, with one of the alternatives being to not engage in the activity.

**3.2.5 Checklist Section B.3 (Water).** The information provided in this Section of the SEPA Checklist is so vague and inaccurate it renders the entire checklist meaningless.

**3.2.5.1 Checklist Section B.3.a.4 (Surface Water).** The Checklist asks, "Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. The Applicants responded, "No." The Applicants, in their narrative statement of the project, specifically Section 9, says:

All of our water supply will be purchased from local vendors, until KRD water is cleaner and use becomes acceptable. We are currently ready to store and control at least 5,000 gallons; as more is required we will add more storage capacity if needed. Sewage

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<sup>7</sup> See also, Exhibit DD, testimony of Rollie Bernth, owner of Ward Rugh, Inc. and a member of the Kittitas County Hay Producers, in support of Ordinance 2014-015, which modified the County's marijuana production rules.

<sup>8</sup> [www.co.kittitas.wa.us/noxious-weeds/about.aspx](http://www.co.kittitas.wa.us/noxious-weeds/about.aspx).

disposal will be very natural, we will use controlled burning and composting.

First, the Applicants property has no right to use KRD water as it is not within the KRD service area. The Applicants' property is within the Cascade Irrigation District service area (see Exhibit G, a tax parcel summary of the Applicants' property). Additionally, evidence suggests that the Applicants actually get irrigation water from the Town Ditch, which is operated by the Ellensburg Water Company.<sup>9</sup> The Cascade Irrigation District and the Town Ditch withdraw water from the Yakima River, which is part of a federally controlled irrigation project managed by the United States Bureau of Reclamation (USBR). Any water developed, delivered or routed through a federal project using federal facilities or federal contracts cannot be used to raise marijuana. USBR has developed a policy, attached as Exhibit H, which prohibits water withdrawn from the Yakima River from being used to irrigate and cultivate marijuana. Thus, there is not a legal source of surface water for the irrigation of the Applicants' marijuana.

The Applicants then indicate they will be buying water from "local vendors" and storing water to irrigate their marijuana crop. In the SEPA Checklist the Applicants should be required to identify the local vendors who will be supplying irrigation water to the Applicants' property. All water that is used within the State of Washington, regardless of whether from a municipal or private source, is subject to the Washington State water rights permitting system. RCW 90.03.250-90.03.340. All permits require the identification of an authorized place of use. *Id.* Water may not be used outside of an authorized place of use. *Id.* For instance, the City of Ellensburg, which has a municipal water system, has a service area that comprises its place of use. That service area is set by the Washington State Department of Health in conjunction with the Washington State Department of Ecology and once set is a limit on where the City of Ellensburg's water can be used. The Applicants' property is outside the service area of the City of Ellensburg, and any water generated through the City of Ellensburg water system could not be used outside of its service area and thus the Applicants, if they were to acquire water from a source in the City of Ellensburg and truck it to its facility, would be illegally using water. The illegal use of water in this state has a significant impact on the environment. Kittitas County cannot conduct a meaningful SEPA analysis of the environmental impacts of this proposal unless it knows where that water is coming from. Without identifying which source the water is coming from, Kittitas County has no way of knowing whether the Applicants' source of water is legal and thus no way of confirming there is no impact on the environment as a result of the Applicants using water from that source. Additionally, a WSLCB publication (see Exhibit W) identifies four (4) options for outdoor growers to obtain irrigation water; i) rainfall; or ii) a water right permit; or iii) groundwater exemption<sup>10</sup>; or iv) obtaining water from a water purveyor such as an irrigation district.<sup>11</sup> WSLCB and Kittitas County rules do not allow irrigation water to be "trucked" from some undisclosed location to the site. No meaningful assessment of the impact this has on the environment can be made without the source disclosed.

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<sup>9</sup> See Exhibit HH, which is the Declaration of Tim Erdman, the adjoining property owner who shares an irrigation water distribution facility with the Applicants' property.

<sup>10</sup> A groundwater well exempt from permitting (RCW 90.44.050) is not an option in this County because of KCC Chapter 13.35, See discussion below.

<sup>11</sup> See also, KCC 17.15.050.1 FN 29 criteria, which requires essentially the same thing.

**3.2.5.2 Checklist Section B.3.b (Groundwater).** The Applicants' responses in the SEPA Checklist and their statements in Paragraph 9 of the application relate to domestic water are even more troubling. In the SEPA Checklist the Applicants indicate that "if allowed or able to be mitigated, drinking water and water for all cleaning needs will come from our onsite well up to 1000 gallons per day." One can only assume what the Applicants are indicating is that potable water will be required for the activity<sup>12</sup> and that potable water will come from a groundwater well. In addition, it appears that some of the water will be needed for industrial purposes because it will be used for "cleaning needs." In order to use exempt wells as a water source in the production of marijuana, the Department of Ecology has indicated that the "commercial/industrial exemption" in RCW 90.44.050 should be the basis for the legal use of the water right.<sup>13</sup>

The use of groundwater will be a new use of water, which must comply with KCC 13.35.020. Under that statute, the Applicants' new use of water must comply with KCC 13.35.025 because under KCC 13.35.020(2), an application for a conditional use that requires water triggers compliance with KCC 13.35.025. The Applicants completely ignore the requirement of KCC 13.35.025 in their application and fail to demonstrate how their proposed new use of groundwater fits within the nine criteria in KCC 13.35.025, which must be met with respect to this project. As a result, Kittitas County cannot conduct a meaningful SEPA review. The Applicants should be required to identify how the requirements of KCC 13.35.025 will be met prior to the Applicants conducting any activity associated with the use. In other words, if the County is going to approve this conditional use application, the Applicants must have mitigation water in place before they can conduct the activity requiring new uses of water. The County should not allow the Applicants to argue that they have already begun using the water. If the Applicants have already begun using the water, they are doing that without a permit, which Kittitas County should not allow.

Perhaps more troubling is the Applicants' indication that "[s]ewage disposal will be very natural, we will use controlled burning and composting." If the Applicants are going to be burning sewage and other products on its property, the Applicants answers to the SEPA Checklist regarding emissions to the air are completely erroneous and inadequate. The Applicants should also be required to demonstrate they have all of the proper permits to "burn sewage." The Applicants fail to identify the smell and air emissions that will occur as a result of the Applicants "burning sewage" and/or other organic material as a result of this use.

**3.2.5.3 Checklist Section B.7.a.** This section requires the Applicants to identify environmental health hazards, including exposure to toxic chemicals that would occur as a result of the proposal. In response, the Applicants answered "no," yet in the application the Applicants admit it will be burning sewage and other organic materials on the property. Burning sewage and organic materials creates environmental health hazards and expose neighboring land

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<sup>12</sup> The Applicants indicate that approximately 11 people will work at the facility. The Applicants may also be subject to Department of Health potable water standards.

<sup>13</sup> See page two of "Water Resources rules and regulations for marijuana growing in Washington State", publication number 14-11-003 attached as Exhibit P.

owners to those environmental health hazards. Those hazards should be completely identified with specificity so the County can adequately assess those activities' impact on the environment. Marijuana is toxic to livestock, particularly horses (see Exhibit O). Marijuana is also harmful to humans (see Exhibit W). This activity actually produces recognized and known environmental health hazards. Yet the Applicants propose no mitigation measures to deal with the environmental health hazards. The County should require an Environmental Impact Statement to identify these hazards and develop appropriate options for minimizing the impact on the environment, including not conducting the activity.

**3.2.5.3 Checklist Section B.8.a.** In response to the question about current use of the site and adjacent properties, the Applicants indicate the adjacent properties are in hay production and there will be no effect on neighboring properties. This is a misleading answer. The Applicants are correct that most of the adjoining property is used for the production of Timothy Hay. Other properties in the area are used for a variety of equine activities and other livestock uses. The impact on adjoining properties use for Timothy Hay production is significant, as discussed above in Section 3.2.4 (see Exhibit I, statement from hay exporters, and Exhibit DD). In addition, this activity will decrease the value of property in the surrounding area (see Exhibit J, letter from realtor, and Exhibit GG, statement from a potential property purchaser). Additionally, marijuana on the property is toxic to horses and other livestock and domestic pets (see Exhibit O). Again, because the Applicants seek to produce and process a known hazardous product, a full Environmental Impact Statement that analyzes each of these risks should be required.

**3.2.5.4 Checklist Section B.8.b.** The Applicants indicate "we will simply be farming a different crop on the land." That is not accurate. In fact, the Applicants are switching to the farming of a crop that is illegal under federal law and causes significant and irreversible impacts to activities on neighboring properties, decreases the value of neighboring properties and is so harmful to human health that 48 states, the U.S. government and the vast majority of the world deem the activity a crime. The Applicants infer here they have some right to farm this property. . This is a veiled attempt to duck under the protection of the right to farm. There is no "right to farm" marijuana. The "Right to Farm Act", RCW 7.48.300, is entitled the "Agricultural Activities-Protection from Nuisance Lawsuits" and is only designed to provide immunity and protect farms from being sued for nuisance damages from persons who move to an area. The "Right to Farm Act" is a codification of a long standing defense to nuisance claims. This immunity applies to an agricultural activity when three conditions are met: (1) the activity does not have a substantial adverse effect on public health and safety; (2) the activity is consistent with good agricultural practices, laws, and rules; and (3) the activity was established prior to surrounding nonagricultural activities. Even assuming that growing marijuana is an agricultural activity, and does not have a substantial adverse effect on public health and safety, it certainly cannot be "established prior" or pre-exist conditions in this area of Kittitas County because it has not legally been done here until the last few months. There is no "Right to Farm Act" protection from nuisance lawsuits for marijuana factories wanting to move into this area and this law does not establish any "Right to Farm" marijuana.



**3.2.5.5 Checklist Section B.8.L and B.11.** The Applicants also indicate all lighting is “down lighting” and there would be “[s]ome greenhouse light in early morning hours or early evening hours, never past 9PM.” Then the Applicants indicate “Down Lighting on security.” This is another instance where the Applicants should be required to produce a copy of their WSLCB licenses to ensure the security measures imposed by the WSLCB, which will include fencing and lighting, are consistent with what the Applicants are representing in the SEPA Checklist. Without a review of security requirements imposed by the WSLCB, the County does not have all the information necessary to adequately assess the impact on the environment and proposed meaningful mitigation measures.

**3.2.6 Checklist Section B.10.** The Applicants indicate there will be no impact on the aesthetics of the area. That is not accurate. The area is predominately used for agricultural activities. The 8-foot high metal fence, which has already been built, is aesthetically inconsistent with the agrarian rural style of the area (see photos of the fence attached as Exhibit K<sup>14</sup>).

**3.2.7 Checklist Section 14.** The Applicants indicate access to their property is from Thrall Road and Emerson Road. The Applicants indicate they have adequate parking but they do not identify how many stalls or how many parking spaces they have. The Applicants admit they do not know what the traffic volume will be for their proposed activity but that at least some of it will be commercial traffic. Then the Applicants indicate “[b]asic counting techniques were used on estimates,” yet they do not provide any estimates. What the Applicants fail to disclose is they have to cross property they do not own in order to access the County road. The Applicants’ easement to access that property is 20 feet wide and is not designed for commercial purposes (see Exhibit L, Road Maintenance Agreement and Exhibit Y, Erdman Short Plat map; see also, Exhibit HH, the Declaration of Tim Erdman, an adjoining property owner). Thus, while the property may be accessible to County roads the legal entitlements through which the property can access those County roads do not authorize this type of activity and if this type of activity occurs will result in an overburdening of the easement.

**3.2.8 Checklist Section 15.** The Applicants indicate the project will not result in an increased need for public services. That is not accurate. The Applicants are proposing to grow and process a drug that for at least 100 years has been illegal under State law and remains illegal under federal law. Just because the voters in 3 or 4 counties in the State of Washington were able to make marijuana legal in the State of Washington does not affect the fact that the growing, processing and use of marijuana (like any drug), results in an increase in crime and criminal activity that has historically overtaxed law enforcement not only in this County, but also throughout this state and this country (see also, Section 4.2.1 below). For the Applicants to cavalierly say there will be no need for increase law enforcement activity associated with this marijuana growing and processing activity is simply inaccurate and ignores the effect of this drug on our society.<sup>15</sup>

**3.2 SEPA Conclusion.** The SEPA checklist provides inaccurate, missing and conflicting data and thus the SEPA process is ineffective. Further, without the Applicants having

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<sup>14</sup> See also, Section 3.2.8 below discussing the negative impact this activity has on the rural environment.

<sup>15</sup> See also, Section 4.2.1 below.

their WSLCB permit, the SEPA analysis is meaningless because the County does not know what activity the permit, if it is obtained, will allow. Kittitas County should, based on the SEPA application, require an Environmental Impact Statement so that the impacts of this proposed activity can be thoroughly evaluated.

#### 4. Conditional Use Permits in General

##### 4.1 State Law

The purpose of a zoning code is to regulate the use of property and control the scope of improvements constructed on property to ensure adjacent land uses are compatible with one another. *Sammamish Cnty. Council v. City of Bellevue*, 108 Wash.App. 46, 53, 29 P.3d 728 (2001). Zoning codes separate land into various zones, where certain uses are permitted and, by necessity, others are excluded. *Washington State Bar Ass'n, Washington Real Property Deskbook*, § 97.1, at 97-3; § 97.3(1)(c), at 97-10 (1996). Those uses not expressly permitted or prohibited are conditional uses, meaning they are discretionary uses “allowed only when specific and special conditions on use or operation are required.” *Id.* § 97. 7(2), at 97-27.A. (Emphasis added.) Thus, a conditional use is permitted only upon the grant of a Conditional Use Permit by the County after a process designed to assess the impacts on the County and the surrounding property.

##### 4.2 Kittitas County Code

Without waiving the arguments above in Section 2 that this is not an allowed use, even if the County processes this application, the Applicants cannot meet the criteria for the issuance of a Conditional Use Permit and the application must be denied. The general code provisions covering Administrative Conditional Use Permits control this application. An Administrative Conditional Use is defined as “a use which may be permitted in a zone classification following review under the provisions of KCC Chapter 17.60A.” KCC 17.08.550. The criteria an Applicant must prove are found in KCC 17.60A.015 which provides that in considering the issuance of a conditional use permit:

The Director or Board, upon receiving a properly filed application or petition, may permit and authorize a conditional use when the following requirements have been met:

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
2. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that
  - A. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and

- fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
  - B. The applicant shall provide such facilities; or
  - C. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
  4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
  5. The proposed use will ensure compatibility with existing neighboring land uses.
  6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
  7. For conditional uses outside of Urban Growth Areas, the proposed use:
    - A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
    - B. Preserves “rural character” as defined in the Growth Management Act (RCW 36.70A.030(15));
    - C. Requires only rural government services; and
    - D. Does not compromise the long term viability of designated resource lands. (Ord. 2013-012, 2013; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

KCC 17.60A.015 (emphasis added).

**4.2.1 The proposed use, the processing and production of marijuana, is not essential or desirable to the public convenience and is detrimental and injurious to the public health, peace and safety.**

The Applicants have applied to produce and process a crop that is illegal under federal law and for the last century has been illegal under State law. There is no argument that this use is essential. The product the Applicants will raise and produce is a narcotic drug that in the vast majority of the world is illegal and has historically been the source of significant expenditure of public funds protecting the public from the negative health effects of marijuana and the rampant crime associated with it.

There is also no argument that this is a use of this property is desirable to the public convenience. As identified in the exhibits, this use produces a drug that is harmful to human beings (see Exhibit X), is classified as a noxious weed (see Exhibit N), is detrimental to livestock (see Exhibit O), and has the potential for seriously harming neighbors’ ability to produce Timothy

Hay that is capable of being exported (see Section 3.24 and Exhibits I and DD) and will decrease the value of the surrounding property (see Exhibit J and Exhibit GG).. There is nothing desirable about this use. This use is detrimental and injurious to the public health, peace and safety.

According to an NBC news article published in February 2014, a copy of which is attached as Exhibit Q, the rate of crime has increased since the legalization of recreational marijuana in Colorado.

“In 2009, the Denver Police Department estimated that about 17 percent of marijuana retail shops had been robbed or burglarized in the last year. That was good news: a bit less than liquor stores (20 percent) and banks (34 percent), and on par with pharmacies. Today, however, a darker picture has emerged. There are 325 marijuana companies in Denver, based on an analysis of licensing data done for NBC News by Marijuana Business Daily, a leading trade publication. (Most companies hold numerous licenses) At the same time, there have been about 317 burglaries and seven robberies reported by these companies in the last two years, according to police data. That’s an annual robbery and burglary rate of about 50 percent, more than double what it was in 2009”

(See Exhibit Q, pp. 3 and 4.)

The marijuana industry in Washington State and Kittitas County also increases the incidence of crime. Exhibit R contains copies of 2014 Ellensburg Daily Record and Yakima Herald Republic articles regarding an armed robbery in Ellensburg in July of this year and various other marijuana-related crimes in Washington State. In Benton County on October 3, 2014 a man fired several shots at a suspected marijuana thief, and a marijuana grower in Selah was confronted by armed men according to an October 1, 2014 article from the Yakima Herald. In rural Tulare County, California, a security fence was pushed over and thieves attempted to rob a grove of 50 marijuana plants. A 25 year old suspect was shot dead, and a 16 year old boy was wounded. The property was far from law enforcement, and the security fence, similar to that required in Washington, provided no barrier for this criminal attempt. (See Exhibit S.) In testimony before the County this fall, Stephanie McKendrick, who resides on Sorenson Road, testified to the increased incidence of law enforcement response to another marijuana production facility in the Badger Pocket area of Kittitas County (see Exhibit DD). Neighbors, innocent bystanders, people working in these facilities and the citizens of Kittitas County; all need to be protected from the violence inherent in this industry. Legal producers of marijuana should be located more near law enforcement, not in a rural agricultural setting miles from law enforcement.

Additionally, the Applicants argue this is essential or desirable use because marijuana is “taxed.” However, none of the tax on marijuana is realized at the local level. The Applicants assert in the SEPA Checklist, Section D, that the activity will generate “more than normal taxes to help parks

and other areas.” However, there is essentially no tax revenue provided by I-502 for local jurisdictions. Kittitas County tax payers are the ones who pay all the costs for public services, including increased law enforcement, and other related costs that arise from this marijuana production and processing facility. The Association of Washington Cities concluded I-502 created a specific new taxing scheme providing for a 25% excise tax at each transaction point (producer to processor, processor to retailer, and retailer to consumer). (See Exhibit T.) The taxes are anticipated to be placed in a dedicated marijuana fund. After quarterly distributions of \$1.25 million for WSLCB administration of the marijuana industry and \$180,000 to other specific programs, the taxes will be distributed as follows:

- 50% to the state’s Basic Health Plan
- 19.07% to the state general fund
- 15% to the Department of Social & Health Services for behavioral health & recovery
- 10% to the Department of Health for marijuana education & public health
- 5% to Community Health Centers
- 1% to the UW and WSU for research on the short and long term effects of marijuana use
- 0.03% to the Building Bridges Programs

(See Exhibit T.)

Thus, there is little if any monetary benefit to Kittitas County from the tax and certainly none that will cover the increased cost of law enforcement.

The production of marijuana is detrimental and injurious to the public health, peace and safety. Because the Applicants cannot demonstrate the criteria required in KCC 17.60A.015(1), the application must be denied.

#### **4.2.2 The proposed use is detrimental and injurious to the character of the surrounding neighborhood.**

As the photographs attached as Exhibit E, Exhibit FF, and the air photo attached as Exhibit CC to this letter demonstrate, this area is used for significant commercial agricultural activities. The primary crop is Timothy Hay, which is exported throughout the world. In addition, in this area there are a number of residences constructed on acreages of a variety of sizes. There is a regionally recognized equine facility located on the opposite side of Emerson Road, Burke Ridge Farms. There is a religious school with a playground and ball field within 1,000 feet of the proposed marijuana production and processing facility (see Exhibit C, Kittitas County GIS map with 1000-foot buffer zone highlighted; see also, Exhibit BB, photos of the school and playfield). This school, the Brethren Frontier School, is a school with religious affiliations that has been operating in the vicinity for many years. The school conducts organized academic classes during the school year and other social activities throughout the year there (see Exhibit AA, a letter from the Brethren Frontier School Board). The school has an outdoor playground with a ball

field. When thinking about whether this proposed use is injurious to the character of the neighborhood, keep in mind the foregoing description of the character of the neighborhood.

The use should be absolutely prohibited because of its proximity to the Brethren Frontier School and playground. RCW 69.50.331 establishes certain rules and regulations for the consideration of any application for a license to produce, process or sell marijuana. RCW 69.50.331 provides certain conditions for granting this authority and specifically says “[t]he state liquor control board shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.” (Emphasis added.)<sup>16</sup> KCC 17.15.050.1, FN 29, also requires compliance with RCW 69.50.331. This application seeks to produce marijuana within 1000 feet of a school and a playground. This is yet another reason why the Applicants should be required, before any further processing of this application occurs, to produce a copy of the permit issued by the WSLCB. The application to the WSLCB should show whether these particular Applicants notified the WSLCB they were within 1,000 feet of a school and playground. Under both State law and Kittitas County Code this proposed use is absolutely prohibited because of the proximity of the school and playground to the Applicants’ property.

It is also particularly offensive that this application for this activity within 1,000 feet of a school and playground is named “Old McDonald’s Farm.” “Old MacDonald Had a Farm,” as everyone knows, is a very popular nursery rhyme and song for children. It was first published in 1917 and is widely known all over the world as a song for children (See Exhibit Z, a copy of a Wikipedia article re the nursery rhyme).

These Applicants asks the County for permission to conduct an activity on their property that will harm human health, harm neighboring property values, harm livestock in the area, harm neighbors’ ability to sell Timothy Hay, and expose the entire neighborhood to a demonstrated risk of an increase in crime. This proposed use is detrimental and injurious to the surrounding neighborhood. The analysis should end at this criteria because the Applicants cannot demonstrate their proposed use meets the criteria set forth in KCC 17.60A.015(1).

**4.2.3 The proposed use at the proposed location will be unreasonably detrimental to the economic welfare of the County and it will create excessive public costs for facilities and services.**

The local economy in the area is primarily agricultural and this activity on this property will impact the value of adjoining properties by decreasing the value of those properties, making them less attractive and thus less marketable. In addition, this proposed use will negatively impact hay growers in the vicinity. For those neighbors who use their properties for equine activities, their animals will be exposed to health risks as a result of this activity. The activity will also require a significant increase in law enforcement costs in order to monitor, prevent and respond to criminal activity associated with the production and processing of marijuana. In other

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<sup>16</sup> See also, Exhibit II, a copy of RCW 69.50.331.

words, this activity will decrease the economic output and value of neighboring properties and at the same time require increased law enforcement cost.

**4.2.4 The proposed use is not adequately serviced by existing facilities.**

As indicated on Exhibit X and Exhibit HH, the plat map that created this parcel provides for a very small, narrow (20-foot) access easement<sup>17</sup> that is obviously designed for residential purposes. The adjoining property shares a right to use that easement and this commercial activity will impair and overburden that easement. Additionally, as noted above, this activity has a strong likelihood of generating increased crime in the area. The police services are all several miles away and the resulting cost of providing law enforcement in this area will increase. In their narrative, the Applicants again assert their activity will produce goods that are taxed and that will result in creation of “hundreds of thousands in tax dollars.” As discussed above, no tax dollars will accrue at the local level to offset the increased cost of public services. Thus, Kittitas County will be left with an excessive law enforcement cost, the neighbors will have their economic well being impacted, all for the benefit of a crop that is harmful to human health and has no redeeming social value. This is exactly the type of use the conditional use permit criteria are designed to ferret out and prevent.

**4.2.5 The proposed use does not comply with relevant development standards and criteria under the Kittitas County Code.**

As we demonstrated above in Section 2, this activity is now explicitly prohibited in this zone and this area. This activity is not allowed under the Kittitas County Code, is illegal under federal law and should be prohibited.

**4.2.6 The proposed use cannot mitigate material impacts.**

The Applicants here cite the ugly 8-foot tall green metal fence they are building around their marijuana growing operation,<sup>18</sup> which will expand as they develop in phases, as an example of how they are mitigating their impact. They also hearken to a “traditional farm.” As can be seen from the photographs, this is a rural area of the County where agriculture and the rural lifestyle are predominant. Protection of the rural character has been something this County has spent years accomplishing. This activity has nothing to do with rural character, is contrary to the rural lifestyle, and is nothing more than the industrial manufacture of an illegal commodity, which directly contradicts the rural lifestyle, will harm the neighbors in a variety of ways and will cost the County money.

**4.2.7 The proposed use is not consistent with the intent and character of the zoning district.**

This proposed use has nothing to do with the preservation of farmland, is not traditional agriculture, and is in fact harmful to products raised in the area, detrimental to the farmers in the

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<sup>17</sup> See Section 3.2.7 and Exhibit L.

<sup>18</sup> See photographs attached as Exhibit K.

area who export Timothy Hay, and is detrimental to the local livestock industry. Under KCC 17.60A.015(7), because the use is outside the boundaries of an urban growth area, the Applicants must also demonstrate four additional criteria. The Applicants never acknowledge or discuss these four criteria in detail. The proposed activity is not consistent with the intent, goals, policies and objectives of the Kittitas County Comprehensive Plan (KCCP). In particular, this activity does nothing to “assure visual compatibility of rural development” (KCCP 8.1). Contrary to the KCCP, this proposed activity increases conflicts among competing uses of resource lands (KCCP 8.1) because marijuana is detrimental to the local Timothy Hay crop. Snohomish County initially adopted codes that enabled the siting of marijuana production and processing facilities in rural areas in 2013. Their ordinance resulted in many complaints by citizens who voiced significant concerns about the impacts these new marijuana businesses impose on communities, and the fact that they negatively impact the existing rural character of county areas. In response to these citizen concerns, on October 1, 2014, the Snohomish County Council adopted an emergency rule prohibiting new state-licensed marijuana facilities in certain rural areas. The Applicants’ proposed use and their 8-foot tall solid metal fence ignore the KCCP’s mandate to ensure that “open space and visual and natural landscape predominate over the built environment.” (KCCP.) This use also requires urban law enforcement services when the KCCP specifically mandates that “urban governmental services” should not extend into County rural and resource lands. (KCCP.) Because the Applicants indicate they will be trucking water to the site for use on the site they are in effect extending urban water services. As demonstrated above, the proposed use is inconsistent with the protection of surface water and groundwater flows. (KCCP.) The proposed use is inconsistent with and contrary to the KCCP Goals, Policies and Objectives (GPOs) because under GPO 8.3 this proposed use does not preserve rural character and under GPO 8.9 this activity has negative impacts on existing uses of resource lands.

#### **4.2.8 KCC 17.15.050.1 (Table of Uses Criteria)**

Even if the Applicants were able to meet the Kittitas County Code 17.60A.015 conditional use permit criteria discussed above, which they cannot, the Applicants still must demonstrate they meet the seven (7) criteria set forth in KCC 17.15.050.1, FN 29. The Applicants cannot meet these criteria and thus the application must be denied. The Applicants cannot meet all the criteria and regulations found in WAC 314.55 and Chapter 69.50 Revised Code of Washington because central among those criteria is that the proposed production and processing of marijuana cannot occur within one thousand (1,000) feet of a school or a playground. Within 1,000 feet of the subject property, there is a school that has an outdoor playground. Thus, this activity is not allowed on this property under either WAC 314.55 or Chapter 69.50 Revised Code of Washington and KCC 17.15.050.1, FN 29 requires the County to deny this application. The Applicants also cannot meet the criteria in Section 7 of KCC 17.15.050.1, FN 29, which require the Applicants to obtain a water budget neutral water source and prove that by providing a letter from a purveyor stating the purveyor has adequate water rights to provide the necessary water for the Applicants’ property. Instead, the Applicants have stated they will “buy water from local sources” yet provided no details (See detailed discussion on water issues above.) Thus, even if the Applicants could demonstrate their proposed activity meets all the criteria of KCC 17.60A, the County must still deny it because the Applicants cannot meet the criteria set forth in KCC 17.15.050.1, FN 29.



**5. Conclusion.**

The application seeks to allow a use that is now prohibited in the Commercial Agriculture zone. Even if the use were allowed, the Applicants cannot demonstrate the proposed use satisfies any of the criteria in KCC 17.60A.015 or KCC 17.15.050.1, FN 29. As a result, the County should deny the proposed conditional use.

Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



Jeff Slothower

JS:hh

Enclosures

cc: Clients (*via email, w/encls.*)