

Kaycee Hathaway

From: SOARS Save Our Ag & Rural Spaces <saveouragandruralspaces@gmail.com>
Sent: Sunday, December 28, 2014 1:48 PM
To: Kittitas County Commissioners Office; Paul Jewell; Gary Berndt; Obie OBrien
Cc: CDS User; Kaycee Hathaway; jufkes@johnufkeslaw.com; Jslothower@lwhsd.com; madizone@gmail.com; maureen.malahovsky@lcb.wa.gov
Subject: Urgent Requesting Kittitas County BOCC formally object to mj app License # 415857
Attachments: Old McDonald Farm request bocc to object.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Commissioners,

Attached you will find my request for a formal objection to the marijuana producer/processor application on Emerson Road. You have also been copied in my email to the WALCB on this matter.

Thank you,

Julie Ufkes
Save Our Ag & Rural Spaces

Kittitas Board of County Commissioners
Gary Berndt
Paul Jewell
Obie O'Brien
205 W 5th AVE STE 108
Ellensburg WA 98926-2887

December 28, 2014

Dear Commissioners:

In the process of objecting to the administrative CUP for Old McDonald's Farm on Emerson Road, it has come to my attention that this application should be objected to for being too near a school according to both federal regulations concerning controlled substances and the state's own rules for recreational marijuana as posted by the Liquor Control Board. The school is the German Baptist's Brethren Frontier School. The objection of municipalities carries more weight than an individual or group. I ask you to formally object to the application at this location on behalf of this branch of the peaceful Anabaptists as quickly as possible.

Indeed, does the county not have the responsibility to do due diligence to make sure these crime prone businesses are at the very least in accordance with the state's own rules and to object to them if they are in violation? It will be more difficult to rectify this situation once the applicant has been approved and has growing underway. There is a situation in Seattle where another sensitive use, a church, is much closer than the 1000' buffer required. Neither the city nor LCB has acted, so the church has been forced to sue to fight for the distance the state requires. (<http://www.komonews.com/news/local/Church-files-suit-against-Seattle-marijuana-store-280381532.html>) The buffer is mandated by I-502 and is not being upheld. This is wrong.

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 however local authorities may develop marijuana-specific zoning. Before committing to a location, make sure local zoning allows your proposed use.

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

Tip: Many local governments offer a "pre-application" meeting where you can determine what 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.

One wonders why this application has progressed down the road to approval so far. If either the LCB or CDS had bothered to check the adjoining to the property earlier, the applicant could have saved himself the effort of relocating his fence, hoop houses, soil, etc. Additionally, many others could have saved countless hours researching and composing letters to the county and the LCB and the neighbors could have saved

what may be in the thousands of dollars it cost to hire a lawyer. The neighbors and other members of the public have been unfairly burdened and in a sense “taxed” because of the failure at various levels to deny this application.

Please uphold state and federal mandates and send your objection before the license on Emerson Road is granted.

Sincerely,

Julie Ufkes

Save Our Ag & Rural Spaces

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<https://www.facebook.com/saveouragandruralspaces>

cc:

Brethren Frontier School

Kittitas County Community Development Services

Jeff Slothower, Esq.

John H. F. Ufkes, Esq.

WALCB

Concerned Citizens of Kittitas County

State Regulations

(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.