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Sent Via E-Mail: Kaycee.Hathaway@Co.Kittitas.Wa.US

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

Dear Ms. Hathaway:

Thank you for taking the time to talk to me today, November 20, 2014, regarding the Administrative Conditional Use Permit submitted by the owners of Kittitas County Tax Parcel No. 19660, commonly known as Old McDonald's Farm. I understand you are making a determination on whether this is a complete application today. This letter follows up our telephone conversation. As I indicated to you, I do not believe this application for an Administrative Conditional Use Permit is a complete application. I represent adjoining land owners, Kevin and Rebecca McDowell, who asked me to assist them in opposing this land use application. Under current Kittitas County Code, this is a non-conforming lot because it is under 20 acres in size. As a result, these applicants are required to obtain an Administrative Conditional Use. Footnote 29 under the use tables for marijuana processing identifies seven (7) criteria the applicant must demonstrate. It is my belief that, in order to have a complete application, the applicant needs to at least address these items and explain how their application satisfies the seven (7) criteria. As I indicated in our telephone conversation, I believe the application is deficient in the following areas and therefore should be deemed incomplete:

- 1) Under footnote 29, the applicants must meet all criteria and regulations found in WAC 314-55 and RCW 69.50. The zoning conditional use application I have does not even mention compliance with WAC 314-55 and RCW 69.50. It also does not indicate they are licensed as a marijuana producer when, in fact, if they are licensed as a marijuana producer, that information should be readily available and be deemed part of the application.

As I indicated to you, I do not believe this Administrative Conditional Use can comply with state law because of the proximity of this property to a school which operates on Kittitas County Tax Parcel No. 13147 (Brethren Frontier School).

- 2) Additionally, the application indicates that "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."


They are required to produce a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project or have an adequate water right for the proposed project or have a Certificate of Water Budget Neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. They do not have any of those forms of proof of water. In order to have a complete application, they should be able to demonstrate where their water will come from. In fact, I am unaware of any "local vendors" who supply water. In addition, I do not believe their property is located within the KRD service area and, in fact, the County property map for the parcel indicates it is in the Cascade Irrigation District. Cascade Irrigation District also has certain federal contracts under which they receive water with the Bureau of Reclamation and thus their water cannot be used to raise marijuana.

- 3) Also of concern is the statement, "sewage disposal will be very natural. We used controlled burning and composting." I am not aware it is legal in Kittitas County to dispose of sewage by burning it.
- 4) In addition, the application does not appear to me to have a SEPA checklist that is legal. The copy I have has the first page of the SEPA checklist and then it has answers typed out, rather than being contained on the County form. You indicated in our phone conversation that it is on a County form, although, as I indicated to you, I have not seen that.
- 5) This application does not explain how they meet all of the criteria of the International Fire Code or the International Building Code. It does not address an agreement to an annual fire protection inspection.
- 6) The application does not address how they intend to provide the bonding necessary.
- 7) While the application does mention the 60-foot setbacks and fencing, it does not address security lighting or motion sensors and, finally, as I mentioned above, it fails to address the water requirements.

As such, this application cannot be deemed complete until the applicant at least provides the basic information.

I request further notice of any action taken by the County with respect to this application, including, but not limited to, a determination of a complete application, an opportunity for comments, etc. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



Jeff Slothower

JS:rcj