



Initiative 502  
Kittitas County Planning Commission

February 25, 2014



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## Welcome

Welcome to the official web site for Kittitas County, Washington.  
You can navigate our site using the [Services](#) index and [Department](#) links at the top of every page, as well as the Quicklinks and Search below.

## Quicklinks

Information about...

## Public Notices [\(more/search\)](#)

- [Notice of request for qualifications for Engineering and Architectural Services for the Yakima River Canyon Scenic Byway Interpretive Center.](#)
- [Kittitas County Flood Control Zone District Request for Qualifications for On-Call Rivers and Streams Engineer.](#)
- [Call for sealed bids for Furnishing Chemical Weed Spray for Calendar Year 2014 in Accordance With Specifications Prepared by Kittitas County.](#)
- [Notice of request for qualifications for the No. 6 Road Improvements Project.](#)
- [Notice of request for qualifications for consultants to assist in updating the Kittitas County Fairgrounds Master Plan](#)
- [Notice of public hearing to consider Surplus Property](#)
- [Special Hearing - GMA Comprehensive Plan Compliance Issues](#)

## Press Releases [\(more/search\)](#)

- [Open Public Hearing Regarding GMA Compliance Scheduled](#)
- [Kittitas County Planning Commission Will Hear Proposal for Marijuana Regulation](#)
- [County Syringe Exchange Program Reduces Disease in Community](#)
- [Kittitas County Lifts Burn Ban](#)
- [8-2-13 1700 HOURS - PSA - Colocum Tarps Fire](#)
- [Kittitas County Bans Sky Lanterns](#)
- [Kittitas County Sheriff's Officers of the Year 2013 Announced](#)

## Upcoming Meetings [\(more/search\)](#)

- [Introduce New Flight Training Contractor](#)
- [Board of Health](#)
- [Public Hearing - Comp. Plan Compliance Efforts](#)
- [Work Plan Update](#)
- [Resolution and Interlocal Agreement with the City of Ellensburg for MAN Services](#)
- [Department Head Meeting - Auditor](#)
- [Public Benefit Rating System](#)

### Hot Topics

[Initiative 502 \(Marijuana\) in Kittitas County](#)

[Kittitas County Meeting GMA compliance on Land Use and Water Use - 2014](#)

- [Exhibit A Chan & Bendure 1-21-14](#) 590 KB
- [Exhibit B 17,15,050 Resource and 17,15,060 Rural Use Tables 2-12-14](#) 568 KB
- [Exhibit C 1 17,15,070 Rural LAMIRD Use Table 1-23-14](#) 292 KB
- [Exhibit D Post Court Thorp LAMIRD Corrections](#) 1167 KB
- [Exhibit E Water Amendments](#) 6062 KB
- [Exhibit F Kittitas County GIV Proposed Settlement Agreement](#) 1478 KB
- [GMA Compliance Fact Sheet Final Draft](#) 441 KB
- [GMA Water Compliance FAQs](#) 454 KB

[Discussion on I-502 meeting audio](#)  
[Meeting Audio 12/05/2013: Marijuana Growth and Processing in Kittitas County](#)  
[Meeting Audio 12/12/2013: Options related to the growth and processing of marijuana in Kittitas County](#)

### Current Election Results

[County and Cities/Town Request Public Comments on Initial Draft Shoreline Master Program - March 31 Deadline](#)

[Carpenter Memorial Library Proclamation](#) 71 KB

[Winter Driving Tips](#) 332 KB

[Public Works Projects Interactive Map](#)

[GMA Compliance on Water/Land Use Issues - 2013](#)

[Public Works Projects Pages](#)

[Comprehensive Plan and Development Regulation Amendments](#)

- [GMA Compliance 2013](#)
- [Voluntary Stewardship Program](#)
- [Roads Standards](#)
- [Regional Shoreline Master Program update and Critical Areas Ordinance update](#)

[Volunteers needed: join one of our boards, committees or commissions](#)



- Community Dev
- home
- building
- Inspection Schedule and Use
- Application Forms
- Comp Plan
- transfer of development Rights
- shoreline Master program
- critical Areas Ordinance

### Community Development Services

## Initiative 502 in Kittitas County

Kittitas County has undertaken an effort explore and address the local concerns and unique implications which Initiative 502 presents to the community. The Board of County Commissioners (BOCC) has held three study sessions to gather public input, discuss options, and direct policy for local regulations in addition to the parameters established in the Washington Administrative Code [\[WAC\] 314-55](#). Community Development Services staff has drafted proposed changes to [Title 17 Zoning](#) of the County Code which reflect the BOCC's direction, and is embarking on established processes for an expedited change to the code. Below you will find information about up-coming meetings and related documentation with respect to initiative 502.

### Planning Commission Public Hearing February 25, 2014

- [Initiative 502](#) 235 KB
- [PC Staff Report Revised](#) 95 KB
- [PC Staff Report](#) 50 KB
- [Title 17 Zoning Proposed Language](#) 1056 KB
- [WAC 314-55](#) 358 KB
- [WSLCB Determination RE Production Licenses](#) 44 KB

### Other Information

- [Meeting Audio 12/05/2013: Marijuana Growth and Processing in Kittitas County](#)
- [Meeting Audio 12/12/2013: Marijuana Growth and Processing in Kittitas County](#)
- [Meeting Audio 2/7/2014: Marijuana Growth and Processing in Kittitas County](#)

November 2012 - Initiative 502 Passed

August 2013 – US DOJ Memorandum

October 2013 - LCB Adopts Rules

November 2013 - Rules Become Effective

November 19, 2013 – LCB Begins Accepting Applications

December 2013 – KC BOCC Held 3 Study Sessions

December 20, 2013 – Application Window Closed

# DOJ Enforcement Priorities

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
  - Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

Preventing violence and the use of firearms in the cultivation and distribution of marijuana;

- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
  - Preventing marijuana possession or use on federal property.

**ALL ELEMENTS OF LICENSING AND ENFORCEMENT  
ARE UNDER THE JURISDICTION OF THE WASHINGTON  
STATE LIQUOR CONTROL BOARD THROUGH  
WAC 314-55**

Which outlines the application process, qualifications and requirements to obtain and maintain a marijuana license.

# General Licensing Parameters

Must be 21 to work or enter.

Must have law enforcement access without notice or cause.

Cannot locate on Federal Lands

Cannot locate inside another business.

Subject to Sanitary Practices (WSDA WAC 16-165, 167)

No consumption of any kind allowed on premises.

County is notified; may object to applicant or location.

Applicants and Financiers subject to criminal history check.

Fund source verification.

Residency verification.

Submission of operating plan.

The board shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the perimeter of the grounds of any of the following entities.

- (a) Elementary or secondary school;
- (b) Playground;
- (c) Recreation center or facility;
- (d) Child care center;
- (e) Public park;
- (f) Public transit center;
- (g) Library; or
- (h) Any game arcade (where admission is not restricted to persons age twenty-one or older).



The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules Or ordinances including, but not limited to: Building and fire codes, *zoning* ordinances, and business licensing requirements.

## Three License Types

**Production** - Allows the licensee to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements.

Any entity and/or principals within any entity are limited to no more than three marijuana producer licenses.

## Production

The maximum amount of space for marijuana production is limited to two million square feet. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

- (a) Tier 1 – Less than two thousand square feet;
- (b) Tier 2 – Two thousand square feet to ten thousand square feet; and
- (c) Tier 3 – Ten thousand square feet to thirty thousand square feet.

The board may reduce a licensee's or applicant's square footage Designated to plant canopy if the amount of square feet of production of all licensees exceeds the maximum of two million square Feet the board will reduce the allowed square footage by the same percentage.

*“The Washington State Liquor Control Board will limit the number of individual marijuana producer licenses to one, and initially limit production at 70 percent.” (2/19/2013 LCB Letter)*

## Production

The maximum allowed amount of marijuana on a producer's premises at any time is as follows:

- (a) Outdoor or greenhouse grows – One and one-quarter of a year's harvest; or
- (b) Indoor grows – Six months of their annual harvest.

## Processor

Allows the licensee to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers.

A marijuana processor is allowed to blend tested useable marijuana from multiple lots into a single package for sale to a marijuana retail licensee providing the label requirements for each lot used in the blend are met and the percentage by weight of each lot is also included on the label.

Any entity and/or principals within any entity are limited to no more than three marijuana processor licenses.

Marijuana processor licensees are allowed to have a maximum of six months of their average useable marijuana and six months average of their total production on their licensed premises at any time.

## Retailer

Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the liquor control board will determine the maximum number of marijuana retail locations per county. (KC 4 Licenses)

Any entity and/or principals within any entity are limited to no more than three retail marijuana licenses with no multiple location licensee allowed more than thirty-three percent of the allowed licenses in any county or city.

## Security

All employees on the licensed premises shall be required to hold and properly display an identification badge issued by the licensed employer at all times while on the licensed premises.

At a minimum, each licensed premises must have a security alarm system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and holdup alarms may also be utilized.

At a minimum, a complete video surveillance with minimum camera resolution of 640x470 pixel and must be internet protocol (IP) compatible and recording system for controlled areas within the licensed premises and entire perimeter fencing and gates enclosing an outdoor grow operation, to ensure control of the area. The requirements include image acquisition, video recording, management and monitoring hardware and support systems.

## Security

All controlled access areas, security rooms/areas and all points of ingress/egress to limited access areas, all points of ingress/egress to the exterior of the licensed premises, and all point-of-sale (POS) areas must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of all entry and exit points.

All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points, and capable of clearly identifying any activities occurring within the facility or within the grow rooms in low light conditions. The surveillance system storage device must be secured on-site in a lock box, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft.



## Security

All perimeter fencing and gates enclosing an outdoor grow operation must have full video surveillance capable of clearly identifying any activities occurring within twenty feet of the exterior of the perimeter. Any gate or other entry point that is part of the enclosure for an outdoor growing operation must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of the exterior, twenty-four hours a day. A motion detection lighting system may be employed to illuminate the gate area in low light conditions.

All marijuana or marijuana-infused products that are intended to be removed or transported from marijuana producer to marijuana processor and/or marijuana processor to marijuana retailer shall be staged in an area known as the "quarantine" location for a minimum of twenty-four hours. Transport manifest with product information and weights must be affixed to the product. At no time during the quarantine period can the product be handled or moved under any circumstances and is subject to auditing by the liquor control board or designees.

## Other Areas Covered by 314-55

1. Insurance
2. Start-Up Inventory
3. Fertilizer and Growing Mediums
4. Transportation
5. Labeling and Signage
6. Record Keeping
7. Taxation and Reporting
8. Serving Sizes and Limitations
9. Waste Disposal
10. Quality Assurance
11. Extraction Requirements
12. Hours of Operation
13. Advertising
14. Objections to Applications and Renewals
15. Violations, Suspensions, and Penalties

## Proposed Changes to KC Code

- Define agricultural processing requiring security and agricultural production requiring security (AARS for the purposes of this document).
- Permit AARS in the AG-20, Commercial Agriculture, and Forest and Range zones that are licensed by the Washington State Liquor Control Board (WSLCB) on legal conforming parcels and require a 100 foot setback from all property lines.
- Make AARS an Administrative Conditional Use in the AG-20, Commercial Agriculture, and Forest and Range zones that are licensed by the Washington State Liquor Control Board (WSLCB) on legal non-conforming parcels and require a 100 foot setback from side and rear property lines.
- Make AARS in the AG-5 zone that are licensed by the Washington State Liquor Control Board (WSLCB) a Conditional Use on any size lot.

## Proposed Changes to KC Code

- Require a 125% Bond or Assignment of Funds for AARS that are licensed by the Washington State Liquor Control Board (WSLCB) in any Rural or Resource land use designation, to ensure the survival of any landscaping necessary to screen security fencing which is not in keeping with “Rural Character”.
- Not permit any AARS in LAMIRDs.
- Permit AARS in Urban land use - Light Industrial zones that are licensed by the Washington State Liquor Control Board (WSLCB) provided that all activities take place within secure, fully enclosed, indoor facility.
- Require that all AARS in Kittitas County:
  - Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.
  - Meet all International Fire Code and International Building Code requirements.
  - Agree to an annual fire protection inspection

## KC License Applications

- 84 Grow – 56 Entities
- 38 Processor – All associated with a Grow License
- 16 Retail – 1 Outside City Limits but not Zoned for Retail

# Corrections: Resource Lands

P Permitted PA Permitted Administrative CU Conditional Use	Resource	
	Commercial Agriculture	Commercial Forest
*See KCC Chapter <a href="#">17.08</a> Definitions		
A. Agriculture		
Animal boarding*	CU	
Agriculture processing*	CU <a href="#">17</a>	
Agriculture processing Requiring Security*	P <sup>28</sup> /ACU <sup>29</sup>	
Agriculture production*	P	P
Agriculture production Requiring Security*	P <sup>28</sup> /ACU <sup>29</sup>	

28. Activities requiring security **on legal conforming lots 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 facilities used for operations requiring security by law must be setback at least 100 feet from any property boundary.

29. Activities requiring security **on legal non-conforming lots 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 facilities used for operations requiring security by law must be setback at least 100 feet from side and rear property line.

## Corrections: Rural Non-LAMIRD

<b>P Permitted</b> <b>PA Permitted</b> <b>Administrative</b> <b>CU Conditional</b> <b>Use</b>  <i>* See KCC Chapter <a href="#">17.08</a> Definitions</i>	<b>Rural Non-LAMIRD</b>							
	<b>Rural Residential</b>		<b>Rural Working</b>		<b>Rural Recreation</b>			<b>Rural Residential &amp; Rural Recreation</b>
	<b>Agriculture 5</b>	<b>Rural 5</b>	<b>Agriculture 20</b>	<b>Forest &amp; Range</b>	<b>Master Planned</b>	<b>General Commercial</b>	<b>Rural Recreation</b>	<b>PUD</b>
<b>A. Agriculture</b>								
<b>Agriculture processing Requiring Security*</b>	CU		P <sup>48</sup> /ACU <sup>49</sup>	P <sup>48</sup> /ACU <sup>49</sup>				
<b>Agriculture production Requiring security*</b>	CU		P <sup>48</sup> /ACU <sup>49</sup>	P <sup>48</sup> /ACU <sup>49</sup>				

48. Activities requiring security **on legal conforming lots** 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 facilities used for operations requiring security by law must be setback at least 100 feet from any property boundary.

49. Activities requiring security **on legal non-conforming lots** 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 facilities used for operations requiring security by law must be setback at least 100 feet from side and rear property line.