

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2014-_____

**REVISIONS OF KITTITAS COUNTY CODE 17, ZONING,
FOR THE PURPOSE OF ALLOWING THE GROWTH AND PROCESSING OF MARIJUANA
IN UNINCORPORATED KITTITAS COUNTY**

Whereas, this ordinance, revising the Kittitas County Code, contains two sections of findings and an attachment for such amendment, as follows:

Section I -	Procedural Findings
Section II -	Final Decision and Signatures
Exhibit A	Proposed Changes to the Ordinance

**SECTION I
PROCEDURAL FINDINGS**

WHEREAS, the voters of Washington State passed Initiative 502 in 2012, which, in part, directs the Washington State Liquor Control Board to establish a regulatory and licensing system for the production, processing and retail sales of marijuana and marijuana-related products; and

WHEREAS, the Washington State Liquor Control Board opened a thirty-day filing period on November 18, 2013 for interested persons to apply for licenses to produce, process and sell marijuana and marijuana-related products, and

WHEREAS, the United States Department of Justice's Deputy Attorney General's Office has provided guidance regarding the implementation of Initiative 502; and

- WHEREAS,** Kittitas County does not wish to expose the County to legal and liability issues associated with Federal and State laws in relation to use and growth of marijuana.
- WHEREAS,** Kittitas County wishes to establish policies to direct potential marijuana production, processing and sale while licenses are being purchased; and
- WHEREAS,** Kittitas County Board of County Commissioners, after being presented by staff a draft resolution on November 18, 2013 to define marijuana growth and processing as “agricultural,” decided to review the issue in study sessions with audience participation, to consider allowing retail sales, production and processing of marijuana as allowed by the State; and
- WHEREAS,** Kittitas County Board of County Commissioners met with the public and with County staff on December 12, 2013 and February 7, 2014 to discuss action options available to the County in addressing marijuana production, processing, and retail as a result of the meetings, directed the staff to prepare language that would allow production, processing, and retail sales of marijuana for consideration by the Planning Commission; and
- WHEREAS,⁹** The Kittitas County Planning Commission met on February 25, 2014 for open public hearing to take testimony regarding the proposed amendments to the Kittitas County Code outlining the conditions under which the growth, processing, and retail sales of marijuana could be allowed, and extended period for written public comment until February 28, 2014; and
- WHEREAS,¹⁰** The Kittitas County Planning Commission continued the hearing to March 11, 2014 in order to consider and discuss the matter; and
- WHEREAS,¹¹** After deliberation and consideration of comments, the Planning Commission voted to recommend to the Board of County Commissioners, the conditions for allowing production and processing of marijuana as was presented to them with recommended changes to limit production, processing, and retail sales in non-conforming lots to ten (10) acres, to expand setbacks requirements, and to eliminate production and processing in Agriculture 5 zones; and
- WHEREAS,** On February 25, 2014 the State Department of Commerce received a copy of the draft amendments to the County Code for review and issued acceptance of the review request on March 5, 2014; and
- WHEREAS,** Kittitas County on March 3, 2014 rendered a Determination of Non-Significance (DNS) for proposed amendments to the Kittitas County Code and published such determination within the official local newspaper per WAC 197-11, and issued a Final Determination of Non-Significance on March 20, 2014 with an appeal date ending April 4, 2014; and
- WHEREAS,** The Board of County Commissioners after adequate public notice did on April 7, 2014 hold a public hearing to obtain citizen comment on proposed amendments to the Kittitas County Code for allowance of production, processing, and retail sales of marijuana, and considered such testimony before making decision.

WHEREAS, The Board of County Commissioners, after due deliberation, decided to require the setback to 60 feet from property lines and to not allow retail sales of marijuana in the unincorporated County.

SECTION II - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Title 17 for conditions required within the County under which allow the production and processing of marijuana is allowed as shown in “Exhibit A”; and

BE IT FURTHER ORDAINED the Prosecutor’s Office is charged with preparing and submitting the necessary clean updated versions of the development code to Information Services, incorporating all the amendments authorized herein, so that they can be placed on the County web page, and that the Prosecutor’s Office is hereby authorized to make any correction necessary to remedy scrivener’s errors such that Information Services of Kittitas County may update the on-line code and comprehensive plan without additional Board action.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the amendments to Kittitas County as attached hereto, and incorporated by reference and orders the amendments to become effective upon signature by the Board of County Commissioners.

Adopted this 6th day of May, 2014, at Ellensburg, Washington.

**ATTEST:
CLERK OF THE BOARD**

**BOARD OF COUNTY COMMISSIONERS
KITTTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Paul Jewell, Chairman

Gary Berndt, Vice-Chairman

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Obie O’Brien, Commissioner