


Draft Ordinance Regulating Marijuana Production and Processing

County Council
August 11, 2020
Department of Community Development
Adam Zack, Planner III



1


Marijuana Moratorium In Effect

- Prohibits issuance of permits and approvals for new marijuana production and processing
- Resolution 12-2020 - Adopted March 24, 2020
- Expires the week of September 24, 2020

2

Draft Ordinance


Regulating Marijuana Production and Processing Facilities; Amending SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; and Adding New Sections



3

Section 1. Amends SJCC 18.20.130 "M" definitions.

- Adopts State definitions for:
 - Marijuana
 - Marijuana processor
 - Marijuana producer



5

Section 2. Land use table – Activity center land use designations.

	Village			Hamlet ¹⁵			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR
Marijuana production and processing, Tiers 1 and 2 ^{13, 14}	N	C	N	N	C	N	C	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N

6

New Footnotes

13. Marijuana production and processing **must be conducted indoors**. Indoors means inside fully enclosed and secure structures including opaque greenhouses with rigid walls, a roof, and doors.

14. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Board (provides Tiers).

15. Applies to Deer Harbor Hamlet HI-A and HI-B. Marijuana production and processing are prohibited in Olga Hamlet designations.

7

Section 3: SJCC 18.30.040 Land use table – Rural, resource, special land use designations.

	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Marijuana production and processing, Tiers 1 and 2 ^{15, 16, 18}	C	N	C ¹⁷	C	N	C ¹⁷	N	N	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N	N

8

New Footnotes: Highlights

- Marijuana production may be indoor or outdoor. Indoor/outdoor are defined.
- Max Sq. Ft. used for production cannot exceed the amount in State license.
- Marijuana processing is only allowed in RFF or AG resources to support a marijuana production operation on the same parcel.
- Minimum lot sizes for marijuana production and processing:
 Tier 1: One acre in RGU and RI, three acres in the RFF and Ag resource, and
 Tier 2: Five acres in RGU and RI and ten acres in RFF and Ag resource.

9

Section 4. SJCC 18.30.460 Eastsound subarea land use regulations.

Ind Use	VC	VR	SLI	ES Res	Service Park	Marina	ES Airport	Country Corner	ES Rural Res	ES Rural	ES natural
Production Processing Tiers 1 & 2 ²	CUP	NO	CUP	NO	CUP	NO	NO	CUP	NO	NO	NO
Tier 3	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

10


New Footnotes

² Marijuana production and processing must be conducted indoors in the Eastsound Urban Growth Area and Subarea. Indoors means... The maximum amount of space for marijuana production cannot exceed the amount licensed... Applicants must designate the production tier and the amount of square footage ... The marijuana production tiers and canopy limits are:

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

11

Performance Standards



12

Section 5: New standards
Production and processing - general.

- Only 1 State license can be used on parcels outside of UGAs.
- State license required prior to certificate of final occupancy.
- Marijuana is not an agricultural product.
- Shall not take place in a residence, critical areas & their buffers, or in shoreline jurisdiction.

13

Section 6. New Standards
Rural and AG land siting standards.

- AG indoor: only in structures existing on effective date.
- Expansion of structures is prohibited.
- Structures & outdoor production - set back 300' from property lines.
- Structures & outdoor production - set back 500' from existing residences outside of the subject property.
- An existing structure = legally constructed, or vested permit application.

14

Section 7: Production/processing structures and outdoor production

- Manage lighting: Adjoining property, critical areas and public roads.
- Comply with Landscaping: SJCC 18.60.160 and install Type A landscaping screen. Process was clarified by PA.
- Install State security requirements prior to occupation.
- Identify chemicals, industrial solvents on applications and site plans.
- Comply with water system requirements and waste disposal regulations.
- Comply with noise regulations. Muffle fan noise -use best available technology. Added a list of nine examples of measures to reduce fan noise.
- Filter exhaust air prior to dispersal.

15

Section 7: Production/processing structures and outdoor production

- Minimize odors using best management practices and technology.
- A mechanical engineer licensed in WA must design the odor control system.
- Added a list of 12 technologies to be used for odor control.
- Minimize impacts to roads in rural and natural resource.
- Sets a cap on traffic intensity to be generated. Only low intensity (5 round trips/day) on private roads and medium (6-19 round trips/day) on public roads.

16

Planning Commission Recommendations for Section 7

- Noise control system must be designed by a licensed engineer, and
- Subsection I amended:
 [...] The administrator may consult with the County engineer and recommend permit conditions needed to address public road impacts such as requiring:
 - ~~Continuing maintenance; or~~
 - ~~Installation of road improvements prior to the County's issuance of an occupancy or land use permit if traffic volumes will exceed ten trips per day from the operation.~~

17

Public Comments Received during Briefing Periods

- Lisa and Rex Guard:** Live next to grow facility that uses hoop structures. Have fan noise and odor issues, do not want expansion.
- Elisabeth Robson:** Would like a ban on marijuana production and processing.
- Carol Deckelbaum:** Supports the proposed regulations.
- Juliene Gschwend:** Supports the proposed regulations.

18

Public Participation

Link to the project webpage: <https://www.sanjuanco.com/1585/Marijuana>

Public Notices: The public may subscribe to receive Community Development news flashes for notices about this project at:
<https://www.sanjuanco.com/list.aspx>.

Public Comments: Emailed comments about the draft documents must be sent to MarijuanaComments@sanjuanaco.com

Please include your full name and address in the Email for the record.

19

**Project Benchmarks:
Work Plan in Original Moratorium Resolution
34-2019**

On schedule to avoid renewal of moratorium.

August: Council briefings and public hearing
Aug - Sept: Council adoption

20

Questions?



21
