




SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

MEMO DATE: August 20, 2020
TO: San Juan County Council
CC: Mike Thomas, County Manager
Erika Shook, AICP, Director, DCD
FROM: Adam Zack, Planner III, DCD 
SUBJECT: Draft Ordinance Regarding the Regulation of Marijuana Production and Processing
PUBLIC HEARING: August 25, 2020

Purpose: To follow up on three issues the County Council highlighted at the August 11 briefing about the proposed marijuana production and processing regulations. The three issues are:

- Ensure that lighting is required to be directed away from shorelines;
- Ensure that defining marijuana as a non-agricultural product only applies in relation to Title 18 San Juan County Code (SJCC); and
- Clarify the land use regulations for marijuana production and processing in Lopez Village.

Recommended Motion: I move to adopt an 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 with the changes proposed in the staff memo dated August 20, 2020.

Lighting: The proposed ordinance includes lighting standards for marijuana production and processing in Section 7. The proposed lighting standard requires that illuminating fixtures be directed away from adjoining properties, critical areas, and public roads. Councilman Hughes requested that this requirement include shorelines. This can be achieved by amending Section 7, Item A as follows:

- A. Fixtures illuminating production or processing operations shall direct light away from adjoining properties, critical areas, shorelines, and public roads consistent with SJCC 18.60.170 and Chapter 18.35 SJCC.

Marijuana as a non-agricultural product: Section 5 of the proposed ordinance specifies that marijuana is not an agricultural product. Councilman Watson wanted to ensure that this clarification only applies to land use regulations and is not a broad philosophical statement. The proposed ordinance Section 5, Item C reads:

C. For purposes of Title 18 SJCC, marijuana is not an agricultural product. Title 18 SJCC and other County agricultural regulations and programs such as the voluntary stewardship program do not apply to marijuana production, processing, or retail sales.

No changes to the draft ordinance are required to ensure that defining marijuana as a non-agricultural product is limited in scope to the purposes of Title 18 SJCC.

Marijuana production and processing in Lopez Village: The draft ordinance proposes changes to SJCC 18.30.030 Land use table – Activity center land use designations, which would prohibit marijuana production and processing in Village Commercial and Village Residential land use designations. This change was intended to apply in Lopez Village Commercial and Lopez Village Residential because if a use is not listed in the subarea plan’s table, it defaults to the use listed in SJCC 18.30.030. This effectively prohibited marijuana production and processing in the Lopez Village Commercial and Lopez Village Residential land use designations.

After further review requested by Councilman Stephens, the allowed uses in Lopez Village could be further clarified by amending SJCC 18.30.750 Allowed and prohibited uses in Lopez Village urban growth area. This would amend the subarea plan land use table and would not require applicants to consult multiple tables in Chapter 18.30 SJCC.

The staff proposed changes would amend the industrial uses in SJCC 18.30.750 Allowed and prohibited uses in Lopez Village urban growth area as follows:

Land Use	Lopez Village		
	VC	VI	VR
Industrial Uses			
<u>Marijuana production and processing, Tiers 1 and 2</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Marijuana production and processing, Tier 3</u>	<u>N</u>	<u>N</u>	<u>N</u>