

Linda

09/24/2019

Good Morning All,

Please find attached proposed regulations from the Work Group formed in 2015.

Thank you,

Catherine Scott

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S.J.C. DEPARTMENT OF

SEP 24 2019

COMMUNITY DEVELOPMENT

----- Forwarded Message -----

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Sent: Thu, 30 Jul 2015 12:30:00 -0400 (EDT)

Subject: SAN JUAN COUNTY MARIJUANA REGULATIONS DRAFT

Good Morning All,

I have received and reviewed the most recent document regarding SJC recreational marijuana. This document fails to reference the relevant 12/10/14 HEX ruling which involved an OUTDOOR (as categorized by the Washington State Liquor and Cannabis Board) Marijuana Production Facility. In the presentation to the Council on 1/26/15, the County Planning Department states that it will address this HEX Decision. The Hearing Examiner is hired by and works for San Juan County and his ruling is relevant and must be considered in these draft regulations. This case cost all parties involved, including the County, tens of thousands of dollars and has greatly affected the island peace of the parties involved. Failure to reference is negligent. I have referenced this ruling in our working group and no where is it mentioned. I have asked that the minutes from June 3 include my statements regarding the HEX ruling be documented and this has not happened. Please see the attached document which I presented to the WG. Prior to Presentation to the San Juan County Council, please update your draft to include this relevant HEX ruling.

Thank you,

Catherine Scott

Catherine Scott COMMENTS FOR JUNE 3, 2015:

➤ Important Issues RE: Regulations for Rec. Marijuana

1. ODOR
2. NOISE
3. PROXIMITY TO RESIDENTIAL PROPERTIES
4. ACCESS

1. ODOR: CONCLUSIONS OF LAW from 12/10/14 SJC HEX Decision SEPA APPEAL where, for the first time in the history of the county (as reported in the Journal) a building permit was revoked and DNS remanded and per Amy Vera, Deputy Prosecuting Attorney, acknowledged that the "Operational Status of this proposed Marijuana Production facility is not permitted." February, 2015.) Please see below (LINES 7 -15 p.63)

*"Marijuana odor is unique to marijuana operations and does not smell the same as manure or other odors typically associated with farming operations. Persons who purchased property subject to "right to farm" provisions could not have reasonably anticipated that odors associated with agricultural operations would include marijuana odor, since until recently marijuana production was illegal. The applicant acknowledged that there are different ways to reduce marijuana odor. Mrs. Nolan testified that numerous jurisdictions are addressing marijuana processing impacts in their land use codes and the LCB guidelines and ordinance provisions submitted by the appellants suggest that odor is one of the impacts targeted in these regulations. It is likely that the regulations and proposals being generated throughout the state are coalescing into a reasonable set of procedures and mitigation measures that would qualify as "best management practices". The SEPA responsible official should have had a clear understanding of what measures could have reasonably been taken to mitigate odor impacts before concluding that the odors generated by the proposal would not be significant."*

Additionally, (LINE 20-21 p.66)

*"As to odor impacts, the SEPA responsible official should investigate the odor impacts associated with marijuana production facilities and the measures that can be taken to control those impacts."*

\*\*\*Please note the Hearing examiner is hired by the County and speaks for the County. \*\*\*

Please note that this SEPA Appeal involved a PROPOSED TIER 3 OUTDOOR proposed marijuana production facility. Therefore please update "f. in the LAND USE STANDARDS" to read: Best Management Practices in Odor Technology shall be included in any heating, ventilation, and air systems of indoor AND OUTDOOR production and processing facilities to minimize odor impacts. Recognized odor control measures for marijuana operations include, but are not limited to:

- Completely enclosing the operation and recirculating ventilation air within the enclosure;
- Use vertical exhaust vents or stacks for all exhaust air discharge points; and/or
- Use carbon adsorption media or other controls at all exhaust air discharge points. Note that ventilation systems and air pollution controls should be properly designed and sized for the airflow to be handled. Proper maintenance is critical for keeping the equipment operational. All Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property.

PLEASE NOTE: BEST MANAGEMENT PRACTICES FROM 1/2015 SPOKANE REGIONAL CLEAN AIR AGENCY and DENVER, CO and DENVER POLLUTION PREVENTION PARTNERS:

Marijuana producers and processors are required to comply with state and local air regulations prohibiting nuisance odors and requiring control of emissions consistent with best management practices for the industry. Failure to comply may result in enforcement action.

Recognized odor control measures for marijuana operations include, but are not limited to:

- Completely enclosing the operation and recirculating ventilation air within the enclosure;
- Use vertical exhaust vents or stacks for all exhaust air discharge points; and/or
- Use carbon adsorption media or other controls at all exhaust air discharge points. Note that ventilation systems and air pollution controls should be properly designed and sized for the airflow to be handled.

Proper maintenance is critical for keeping the equipment operational.

### **Recognized Odor Measures**

There are several measures/practices for controlling odors related to producing and processing marijuana. Ventilation and odor controls that are adequate for the size of the operation must be used.

### **Ventilation Systems**

It is important to properly design the ventilation system, taking into consideration the square footage and number of marijuana plants. A properly-sized, installed and maintained ventilation system can help inhibit odors from escaping.

### **Activated Carbon Filtration**

Carbon filtration has been effective for controlling odors from production operations. The system involves forcing the air circulating within the HVAC system through an activated carbon filter that will filter outdoors. This method is highly effective and can be used in combination with other technologies such as an electrostatic precipitator.

## 2. NOISE – LAND USE STANDARD includes fans and equipment and SECURITY ALARMS

e. Noise from production and processing facility fans and equipment shall be minimized by the use of the best available technology and best management practices. Noise from production and processing facility fans and all processing equipment and production equipment and security equipment shall be minimized by the use of the best available technology and shall not be heard from adjacent properties from 7 pm to 7am.

## 3. PROXIMITY TO RESIDENTIAL PROPERTIES – LAND USE STANDARD

Noise generated by fans and harvesting/ processing equipment, alarms, odor, lighting, security, pesticide use and traffic are all concerns. The closer a facility is to a residential property, the larger the environmental impacts and the effect on the quality and peace of island life.

d. Distance from residential properties should be 1000 feet.

## 4. ACCESS – VERY IMPORTANT Application Additional Requirements: Applicant to Prove proper Access:

Access road and/or easements shall be clearly identified. Proof of private roads and/or easements shall be clearly identified including demonstration of compliance with private road and/or easement limitations.

### ➤ Important Concerns Heard from Work Group:

- Environmental impacts are directly proportional to size of operations
- ACCESS, ODOR, NOISE are the biggest environmental impacts
- More regulation will make it difficult to start a business

- Draft Regulations should include the updated LAND USE STANDARDS and Application Additional Requirements SHOWN IN RED ABOVE

C. Scott 6/3/15