



SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

REPORT DATE: January 22, 2020
TO: San Juan County Council
FROM: Linda Kuller, AICP, Planning Manager *LK*
SUBJECT: Renewal of San Juan County Resolution No. 34-2019
Licensed marijuana production and processing moratorium
BRIEFINGS: February 4, 2020: Orcas Island Fire Station
February 11, 2020: Set public hearing date
ATTACHMENTS: A. Draft Renewal Resolution
B. Resolution 34-2019

Purpose: To discuss a draft resolution to renew Resolution No. 34-2019, the County’s moratorium on marijuana production and processing, adopted on October 1, 2019. This moratorium expires on April 2, 2020 unless it is renewed per RCW 36.70.795 and RCW 36.70A.390.

Possible public hearing dates: Tuesday, March 24, 2020 is suggested as the public hearing date if Council wishes to renew Resolution 34-2019.

Review by Prosecuting Attorney: The draft resolution in Attachment A will be sent to the Prosecuting Attorney for review as to form.

Background: San Juan County Code does not specifically regulate marijuana production, processing or retailing facilities. It treats marijuana production and processing like an agricultural activity, a use allowed without a provisional or conditional use permit and without specific performance standards in almost every land use designation in the County (except Natural).

Public Concerns

Many community members and County Council members expressed concerns that environmental, land use and public safety impacts associated with marijuana production and processing are not adequately addressed in the County’s code. San Juan County Code does not include specific land use regulations and performance standards for such uses.

Concerned citizens believe that the lack of local regulation will result in land use compatibility issues, and adverse impacts to rural character, natural resources and the public welfare. More specifically, the public suggested the need for a moratorium on new marijuana production and processing facilities and the development of marijuana regulations to address possible impacts related to:

- Property values;
- Safety and security;
- Lighting;
- Odors;
- Intensity of water use;
- Prime farmland or conversion of prime farmland to other uses;
- The scale of production on small rural lots;
- The potential explosion of greenhouse development;
- Regulating the use the same as agriculture in the code; and
- Rural character and the tourist economy.

Moratoria

Resolution No. 15-2019, adopted on April 2, 2019, was renewed by approval of Resolution No. 34-2019 on October 1, 2019 pursuant to RCW 36.70.795 and RCW 36.70A.390.

The moratoria pertain to new or pending applications for a building or occupancy permit, variance, conditional use permit, or other development permit or approval with respect to licensed marijuana production and processing.

Under Resolution 34-2019, permit applications for marijuana production and processing cannot be accepted as either consistent or complete by any county department except for the submittal of building permits for the alteration of marijuana production and processing operations legally established prior to the adoption of Resolution No. 15-2019 if there is no enlargement or intensification of the permitted processing or production.

A work plan for the development of new marijuana regulations was adopted with Resolution 34-2019 (Attachment B).

Project information and Public Comments

Project staff reports, notices, draft marijuana regulations and public comments received will be posted at: <https://www.sanjuanico.com/1585/Marijuana>.

RESOLUTION NO. _____ - 2020

A RESOLUTION RENEWING A MORATORIUM ADOPTED IN RESOLUTION NO. 34-2019 ON LICENSED MARIJUANA PRODUCTION AND PROCESSING.

- A. San Juan County currently does not regulate the siting of licensed marijuana production and processing operations.
- B. Licensed marijuana production and processing operations can have significant impacts on the community.
- C. The San Juan County Council (County Council) adopted Resolution No. 15-2019 on April 2, 2019 and placed a six-month moratorium on such operations.
- D. Resolution No. 15-2019 was renewed by the adoption of Resolution No. 34-2019 on October 1, 2019 as provided in RCW 36.70.795 and RCW 36.70A.390.
- E. The moratorium pertains to new or pending applications for a building or occupancy permit, variance, conditional use permit, or other development permit or approval with respect to licensed marijuana production and processing.
- F. Under the moratorium, permit applications for marijuana production and processing cannot be accepted as either consistent or complete by any county department except for the submittal of building permits for the alteration of marijuana production and processing operations legally established prior to the adoption of Resolution No. 15-2019 if there is no enlargement or intensification of the permitted processing or production.
- G. A work plan for the development of new marijuana regulations was adopted with Resolution 34-2019.
- H. Possible code amendments were presented to the County Council for discussion on December 3, 2019.
- I. The County Council provided direction needed to prepare a code amendment ordinance on January 27, 2020.
- J. The Planning Commission's legislative review processes will be initiated in March 2020 consistent with the adopted work plan.
- K. The County Council was briefed on the draft resolution to renew Resolution 34-2019 on February 4, 2020.
- L. The County Council set a March 24, 2020 public hearing date on February 11, 2020.

M. The County Council conducted a duly advertised public hearing, on Tuesday, March 24, 2020, regarding the adoption of this resolution to renew the moratorium established in Resolution 34-2019 for six months.

THE FOLLOWING FINDINGS OF FACT ARE ADOPTED BY THE COUNTY COUNCIL:

- A. The above recitals are hereby adopted as findings of fact.
- B. It is appropriate to evaluate the potential for environmental, land use and public safety impacts associated with marijuana production and processing before allowing further development of these uses because they are not addressed in the County's code with specific land use regulations and performance standards.
- C. It is necessary to explore local regulation of marijuana production and processing to ensure that the County adequately addresses potential land use compatibility issues and adverse impacts to rural character, natural resources and the public welfare.
- D. It is necessary to extend the moratorium on the siting of licensed marijuana production and processing to provide for additional public participation and the legislative process for the development of permanent regulations regarding these uses.

NOW, THEREFORE, BE IT RESOLVED by the County Council of San Juan County, state of Washington, as follows, based on the recitals and findings above:

- 1. The six-month moratorium on the siting of licensed marijuana production and processing established in Resolution No. 34-2019 is renewed for an additional six-month period beginning April 2, 2020 and shall expire unless renewed as provided in RCW 36.70.795 and 36.70A.390.
- 2. While this moratorium is in effect, no new or pending application for a building permit, occupancy permit, variance, conditional use permits, or other development permit or approval with respect to licensed marijuana production and processing shall be accepted as either consistent or complete by any county department. However, building permits for the alteration of marijuana production and processing operations that were legally established prior to the adoption of Resolution No. 15-2019 are exempt from the moratorium provided that there is no enlargement or intensification of the permitted processing or production.
- 3. The work plan attached as Attachment A to Resolution 34-2019 is retained.

ADOPTED this ____ day of _____ 2020.

ATTEST: Clerk of the Council

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Ingrid Gabriel, Clerk Date

Rick Hughes, Chair
District 2

REVIEWED BY COUNTY MANAGER

Michael J. Thomas Date

Bill Watson, Vice-Chair
District 1

RANDALL K. GAYLORD
APPROVED AS TO FORM ONLY

By: _____
Date

Jamie Stephens, Member
District 3

RESOLUTION NO. 34 - 2019

A RESOLUTION RENEWING A MORATORIUM ADOPTED IN RESOLUTION NO. 15-2019 ON LICENSED MARIJUANA PRODUCTION AND PROCESSING.

- A. San Juan County currently does not regulate the siting of licensed marijuana production and processing operations.
- B. Licensed marijuana production and processing operations can have significant impacts on the community.
- C. The San Juan County Council (County Council) adopted Resolution No. 15-2019 on April 2, 2019 and placed a six-month moratorium on such operations.
- D. Resolution No. 15-2019 expires on October 2, 2019, unless renewed as provided in RCW 36.70.795 and RCW 36.70A.390.
- E. The existing moratorium pertains to new or pending applications for a building or occupancy permit, variance, conditional use permit, or other development permit or approval with respect to licensed marijuana production and processing.
- F. Under the existing moratorium, permit applications for marijuana production and processing cannot be accepted as either consistent or complete by any county department.
- G. On Tuesday, May 21, 2019, within sixty-days after adoption of Resolution No. 15-2019, the County Council held a public hearing to receive public testimony on the resolution.
- H. The County Council received input from the community at that public hearing and at subsequent public meetings including those held on May 28, 2019 and August 27, 2019 and discussed regulatory issues.
- I. After considering public comments on August 27, 2019, the County Council discussed strategies for regulating licensed marijuana and provided direction to staff regarding the development of regulations for marijuana production, processing and retailing.
- J. Drafting the code amendments and carrying out the required Planning Commission and County Council legislative review processes are underway and a work plan has been prepared for this work.
- K. The County Council desires to exempt building permits for the alteration of marijuana production and processing operations that were legally established prior to the adoption of Resolution No. 15-2019 from the moratorium provided that there is no enlargement or intensification of the permitted processing or production.

- L. The County Council conducted a duly advertised public hearing, on Tuesday, October 1 2019, regarding the adoption of this resolution to renew the moratorium for six months and adopt a work plan for the code development project.

THE FOLLOWING FINDINGS OF FACT ARE ADOPTED BY THE COUNTY COUNCIL:

- A. The above recitals are hereby adopted as findings of fact.
- B. It is appropriate to evaluate the potential for environmental, land use and public safety impacts associated with marijuana production and processing before allowing further development of these uses because they are not addressed in the County's code with specific land use regulations and performance standards.
- C. It is necessary to explore local regulation of marijuana production and processing to ensure that the County adequately addresses potential land use compatibility issues and adverse impacts to rural character, natural resources and the public welfare.
- D. It is necessary to extend the moratorium on the siting of licensed marijuana production and processing to provide for additional public participation and the legislative process for the development of permanent regulations regarding these uses.

NOW, THEREFORE, BE IT RESOLVED by the County Council of San Juan County, state of Washington, as follows, based on the recitals and findings above:

- 1. The six-month moratorium on the siting of licensed marijuana production and processing established in Resolution No.15-2019 is renewed for an additional six-month period beginning October 2, 2019 and shall expire unless renewed as provided in RCW 36.70.795 and 36.70A.390.
- 2. While this moratorium is in effect, no new or pending application for a building permit, occupancy permit, variance, conditional use permits, or other development permit or approval with respect to licensed marijuana production and processing shall be accepted as either consistent or complete by any county department. However, building permits for the alteration of marijuana production and processing operations that were legally established prior to the adoption of Resolution No. 15-2019 are exempt from the moratorium provided that there is no enlargement or intensification of the permitted processing or production.
- 3. The work plan attached as Attachment A is hereby adopted.

ADOPTED this 1st day of October 2019.

ATTEST: Clerk of the Council

Ingrid Gabriel 10.9.2019
Ingrid Gabriel, Clerk Date

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

Jamie Stephens
Jamie Stephens, Chair
District 3

REVIEWED BY COUNTY MANAGER

Michael J. Thomas 10/9/19
Michael J. Thomas Date

OPPOSED

Rick Hughes
Rick Hughes, Vice-Chair
District 3

RANDALL K. GAYLORD
APPROVED AS TO FORM ONLY

By: [Signature] 9/25/19
Date

Bill Watson
Bill Watson, Member
District 1

DRAFT 2019 – 2020 DEPARTMENT OF COMMUNITY DEVELOPMENT WORK PLAN SAN JUAN COUNTY CODE AMENDMENTS REGULATING MARIJUANA PRODUCTION, PROCESSING AND RETAILING	
DATE	ACTIONS
September 24, 2019	County Council holds public hearing on a resolution to extend Resolution No. 15-2019 for one year and adopt a code development work plan
October 2019 - January 2020	Research ways to implement Council's intended outcomes Touch base with Council on specific questions/strategies Draft ordinance to regulate marijuana production and processing
February 2020	Preliminary legal review Brief County Council and the public on the preliminary draft ordinance Incorporate preliminary feedback into the draft ordinance Develop presentation for Planning Commission
March 2020	Brief Planning Commission
April - June 2020	Incorporate the Planning Commission's recommendations into the draft ordinance Address any legal issues Issue a SEPA determination Submit a 60-day Notice of Intent to adopt regulations to WA Dept. of Commerce Staff the Planning Commission public hearing and deliberations
July 2020	Brief Council on the Planning Commission's recommendation
August 2020	Council holds a public hearing
September 2020	Council Considers public input and deliberates on the draft ordinance DCD incorporates Council's comments into the draft ordinance Final legal review
October 2020	Council adopts a code amendment ordinance Publish a notice of adoption