



# SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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## MEMO

**MEMO DATE:** February 27, 2020  
**TO:** San Juan County Council  
**CC:** Mike Thomas, County Manager  
**FROM:** Linda Kuller, AICP, Planning Manager   
**SUBJECT:** Preliminary Draft Marijuana Regulations  
**BRIEFING:** Council: March 17, 2020  
Planning Commission: March 20, 2020  
**ATTACHMENTS:** A. Draft Ordinance  
B. WA State Liquor Control Board production and processing fact sheets

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**Purpose:** To brief you on the attached draft ordinance regarding marijuana production, processing, and retail sales facilities.

**Council Action Requested:** Review the draft ordinance to determine if it reflects the direction provided at County Council's January 2020 retreat. Your feedback is necessary before we prepare a public hearing draft. Retail store standards were not discussed at the retreat. However, the ordinance includes draft performance standards for them based on Councilman Watson's draft for your consideration.

**Background:** County Council provided direction regarding the development of this draft ordinance at their January 2020 retreat. After listening to the tape multiple times, the draft should reflect that guidance. Please review this draft comprehensively to see if it correctly reflects your guidance. You will need to read the land use tables, their footnotes and the performance standards to see if your complete direction is in place.

The draft clarifies which types of greenhouses may be used for indoor and outdoor production based on WAC 314-55-075(1)(b):

**Marijuana producer license—Privileges, requirements, and fees.**

(b) Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083. An outdoor grow must be physically separated at least twenty feet from another licensed outdoor grow. In addition, outdoor grows cannot share common walls or fences.

The following bullets provide a general overview of County Council’s proposal:

- Marijuana production and processing are not agriculture uses and are treated as a specific use;
- Three land use tables are updated including those for the activity centers, rural and resource lands, and Eastsound. Other subareas will defer to the activity center and rural and resource lands tables.
- Land use table footnotes indicate the type of production and processing allowed and on what acreage;
- Tier 3 production and processing is prohibited;
- No outdoor production is allowed in activity centers including urban growth areas;
- Indoor production is allowed in structures that are fully enclosed secure indoor facilities or opaque greenhouses with rigid walls, a roof, and doors ;
- Indoor production and processing in the AG resource designation is only allowed in existing structures that cannot be expanded; and
- General, Ag and resources land performance standards are proposed.

To understand the proposal, please review the entire ordinance comprehensively. The land use tables, footnotes and standards must be read to get the complete regulatory picture.

**Ordinance Summary:**

**Section 1.** SJCC 18.20.130 “M” definitions is amended to adopt the State definitions of Marijuana, Marijuana processor and marijuana producer.

**Section 2.** SJCC 18.30.030 Land use table – Activity center land use designations industrial uses category is amended to include marijuana production and processing. The mining and mineral extraction activities category is moved into alphabetical order.

	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR
<u>Marijuana production and processing, Tiers 1 and 2<sup>13, 14</sup></u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Marijuana production and processing, Tier 3</u>	<u>N</u>	<u>N</u>						

**Proposed 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. Applicants must designate the proposed production tier and the amount of square footage of proposed plant canopy on their land use and building permit application plans. 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.

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

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

	<b>RGU</b>	<b>RR</b>	<b>RFF</b>	<b>RI</b>	<b>RC</b>	<b>AG</b>	<b>FOR</b>	<b>C</b>	<b>N</b>
<u>Marijuana production and processing, Tiers 1 and 2<sup>15, 16, 18</sup></u>	<u>C</u>	<u>N</u>	<u>C<sup>17</sup></u>	<u>C</u>	<u>N</u>	<u>C<sup>17</sup></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>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

**Proposed footnotes:**

15. Marijuana production may be indoor or outdoor. Indoor means inside fully enclosed and secure structures including opaque greenhouses with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid, translucent greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier.

16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Control Board. Applicants must designate proposed production tier and the amount of square footage of proposed plant canopy on land use and building permit application plans. 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.

17. Marijuana processing is only allowed on a parcel designated RFF or AG resource to support a marijuana production operation on the same parcel.

18. The following minimum lot sizes apply to marijuana production and processing operations:

- a. Tier 1: One acre in the RGU and RI and three acres in the RFF and Ag resource designations, and
- b. Tier 2: Five acres in the RGU and RI and ten acres in the RFF and Ag resource designations.

**Section 4.** SJCC 18.30.460 Eastsound subarea land use regulations in Table 2 are amended.

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial (min. 4 – max. 40 units/acre)	Village Residential/Institutional (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre 2 unit/acre p* 4 unit/acre p* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Marijuana Production and Processing, Tiers 1 and 2 <sup>2</sup>	CUP	NO	CUP	NO	CUP	NO	NO	CUP	NO	NO	NO
Marijuana Production and Processing, Tier 3	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

**Proposed footnote:**

<sup>2</sup> Marijuana production and processing must be conducted indoors in the Eastsound Urban Growth Area and Subarea. Indoors means in structures that are fully enclosed secure indoor facilities or opaque greenhouses with rigid walls, a roof, and doors. The maximum amount of space for marijuana production cannot exceed the amount licensed by the State Liquor and Cannabis Control Board. Applicants must designate the production tier and the amount of square footage of proposed plant canopy on land use and building permit application plans. 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.

**NEW SECTION. Section 5.** Marijuana production and processing - general.

**NEW SECTION. Section 6.** Marijuana production and processing – rural and AG resource land siting standards.

**NEW SECTION. Section 7.** Marijuana production and processing – performance standards.

**NEW SECTION. Section 8.** Marijuana retailers.

**Section 9.** Effective Date.

**Section 10.** Codification.

**Responses to County Council’s Questions:** At the retreat, several question came up that were unanswered. See the responses below:

**1. Are structures limited in the AG resource designation?**

Footnote 14 to Table 6.2. Density, Dimension, and Open Space Standards for Rural, Resource, and Special Land Use Districts provides the answer:

14. On all agricultural or forest resource lands (AG and FOR), the maximum area of development which is not related to agricultural or forestry uses and activities shall be limited to 20 percent of the parcel area, but not less than one acre, regardless of the assigned density. Further, in the division of a parcel by any means, the allowable area for conversion of the parent parcel to nonfarm and/or nonforestry use shall not be exceeded. This shall not apply to parcels smaller than five acres.

## 2. Is fencing required around indoor and outdoor production and indoor processing?

Fencing is only required for outdoor production.

### WAC 314-55-075

#### Marijuana producer license—Privileges, requirements, and fees.

#### **Marijuana producer license—Privileges, requirements, and fees.**

(1)(a) A marijuana producer license allows the licensee to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer may also produce and sell:

- (i) Marijuana plants, seed, and plant tissue culture to other marijuana producer licensees;
- (ii) Immature marijuana plants or clones and marijuana seeds to members of a registered cooperative, qualifying patients, or designated providers under the conditions provided in this chapter; and
- (iii) Immature marijuana plants or clones and marijuana seeds to a licensed marijuana researcher under the conditions provided in this chapter.

(b) Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083. An outdoor grow must be physically separated at least twenty feet from another licensed outdoor grow. In addition, outdoor grows cannot share common walls or fences.

#### **Miscellaneous WACs**

314-55-050

#### Reasons the WSLCB may seek denial, suspension, or cancellation of a marijuana license application or license.

Following is a list of reasons the WSLCB may deny, suspend, or cancel a marijuana license application or license. Per RCW 69.50.331, the WSLCB has broad discretionary authority to approve or deny a marijuana license application for reasons including, but not limited to, the following:

- (1) Failure to meet qualifications or requirements for the specific marijuana license, as outlined in this chapter and chapter 69.50 RCW.
- (2) Failure or refusal to submit information or documentation requested by the WSLCB during the evaluation process.
- (3) The applicant makes a misrepresentation of fact, or fails to disclose a material fact to the WSLCB during the application process or any subsequent investigation after a license has been issued.
- (4) Failure to meet the criminal history standards outlined in WAC 314-55-040.
- (5) Failure to meet the marijuana law or rule violation history standards outlined in WAC 314-55-045.

(6) The source of funds identified by the applicant to be used for the acquisition, startup and operation of the business is questionable, unverifiable, or determined by the WSLCB to be gained in a manner which is in violation by law.

(7) Denies the WSLCB or its authorized representative access to any place where a licensed activity takes place or fails to produce any book, record or document required by law or WSLCB rule.

(8) Has been denied or had a marijuana license or medical marijuana license suspended or canceled in another state or local jurisdiction.

(9) Where the city, county, tribal government, or port authority has submitted a substantiated objection per the requirements in RCW **69.50.331** (7) and (10).

(10) Except as provided in subsection (11) of this section, the WSLCB shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the perimeter of the grounds of any of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

(a) Elementary or secondary school;

(b) Playground;

(c) Recreation center or facility;

(d) Child care center;

(e) Public park;

(f) Public transit center;

(g) Library; or

(h) Any game arcade (where admission is not restricted to persons age twenty-one or older).

(11)(a) A city or county may by local ordinance permit the licensing of marijuana businesses within one thousand feet but not less than one hundred feet of the facilities listed in subsection (10) of this section except elementary and secondary schools, and playgrounds.

(b) If a licensee applies for a marijuana license at a location less than one thousand feet of a recreation center or facility, child care center, public park, public transit center, library, or game arcade, the licensee must provide the WSLCB with a copy of the local ordinance that describes the distance required by the city or county the facility will be located.

(12) Has failed to pay taxes or fees required under chapter **69.50** RCW or failed to provide production, processing, inventory, sales and transportation reports to documentation required under this chapter.

(13) Failure to submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

(14) Has been denied a liquor or marijuana license or had a liquor license or marijuana license suspended or revoked in this or any other state.

(15) The operating plan does not demonstrate, to the satisfaction of the WSLCB, the applicant is qualified for a license.

(16) Failure to operate in accordance with the WSLCB approved operating plan.

(17) The WSLCB determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.

### **314-55-083**

#### **Security and traceability requirements for marijuana licensees.**

The security requirements for a marijuana licensee are as follows:

(1) **Display of identification badge.** All licensees and employees on the licensed premises shall be required to hold and properly display an identification badge issued by the licensed employer at all times while on the licensed premises and engaged in the transportation of marijuana. The identification badge must list the licensee's trade name and include the person's full and legal name and photograph. All licensees

and employees must have their state issued identification available to verify the information on their badge is correct.

(a) All nonemployee visitors to the licensed premises, other than retail store customers, shall be required to hold and properly display an identification badge issued by the licensee at all times while on the licensed premises.

(b) A log must be kept and maintained showing the full name of each visitor entering the licensed premises, badge number issued, the time of arrival, time of departure, and the purpose of the visit.

(c) All log records must be maintained on the licensed premises for a period of three years and are subject to inspection by any WSLCB employee or law enforcement officer, and must be copied and provided to the WSLCB or law enforcement officer upon request.

(d) Employees, visitors, and other persons at a marijuana licensed premises, including persons engaged in the transportation of marijuana, must provide identification to a WSLCB enforcement officer upon request.

(2) **Alarm systems.** At a minimum, each licensed premises must have a security alarm system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and hold-up alarms may also be used.

(3) **Surveillance system.** At a minimum, a licensed premises must have a complete video surveillance system with minimum camera resolution of 640 x 470 pixels or pixel equivalent for analog. The surveillance system storage device and/or the cameras must be internet protocol (IP) compatible. All cameras must be fixed and placement must allow for the clear and certain identification of any person and activities in controlled areas of the licensed premises. All entrances and exits to an indoor facility must be recorded from both indoor and outdoor, or ingress and egress vantage points. All cameras must record continuously twenty-four hours per day and at a minimum of ten frames per second. The surveillance system storage device must be secured on the licensed premises in a lockbox, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft. All surveillance recordings must be kept for a minimum of forty-five days on the licensee's recording device. All videos are subject to inspection by any WSLCB employee or law enforcement officer, and must be copied and provided to the WSLCB or law enforcement officer upon request. All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards. Controlled areas include:

(a) Any area within an indoor, greenhouse or outdoor room or area where marijuana is grown, or marijuana or marijuana waste is being moved within, processed, stored, or destroyed. Rooms or areas where marijuana or marijuana waste is never present are not considered control areas and do not require camera coverage.

(b) All point-of-sale (POS) areas.

(c) Twenty feet of the exterior of the perimeter of all required fencing and gates enclosing an outdoor grow operation. Any gate or other entry point that is part of the required enclosure for an outdoor growing operation must be lighted in low-light conditions. A motion detection lighting system may be employed to light the gate area in low-light conditions.

(d) Any room or area storing a surveillance system storage device.

(4) **Traceability:** To prevent diversion and to promote public safety, marijuana licensees must track marijuana from seed to sale. Licensees must provide the required information on a system specified by the WSLCB. All costs related to the reporting requirements are borne by the licensee. Marijuana seedlings, clones, plants, lots of useable marijuana or trim, leaves, and other plant matter, batches of extracts, marijuana-infused products, samples, and marijuana waste must be traceable from production through processing, and finally into the retail environment including being able to identify which lot was used as base material to create each batch of extracts or infused products. The following information is required and must be kept completely up-to-date in a system specified by the WSLCB:

(a) Key notification of "events," such as when a plant enters the system (moved from the seedling or clone area to the vegetation production area at a young age);

(b) When plants are to be partially or fully harvested or destroyed;

(c) When a lot or batch of marijuana, marijuana extract, marijuana concentrates, marijuana-infused product, or marijuana waste is to be destroyed;

(d) When useable marijuana, marijuana concentrates, or marijuana-infused products are transported;

(e) Any theft of useable marijuana, marijuana seedlings, clones, plants, trim or other plant material, extract, infused product, seed, plant tissue or other item containing marijuana;

(f) All marijuana plants eight or more inches in height or width must be physically tagged and tracked individually;

(g) A complete inventory of all marijuana, seeds, plant tissue, seedlings, clones, all plants, lots of useable marijuana or trim, leaves, and other plant matter, batches of extract, marijuana concentrates, marijuana-infused products, and marijuana waste;

(h) All marijuana, useable marijuana, marijuana-infused products, marijuana concentrates, seeds, plant tissue, clone lots, and marijuana waste must be physically tagged with the unique identifier generated by the traceability system and tracked;

(i) All point-of-sale records;

(j) Marijuana excise tax records;

(k) All samples sent to an independent testing lab, any sample of unused portion of a sample returned to a licensee, and the quality assurance test results;

(l) All vendor samples provided to another licensee for purposes of education or negotiating a sale;

(m) All samples used for testing for quality by the producer or processor;

(n) Samples containing useable marijuana provided to retailers;

(o) Samples provided to the WSLCB or their designee for quality assurance compliance checks; and

(p) Other information specified by the board.

ORDINANCE NO. \_\_\_\_\_ - 2020

**ORDINANCE REGULATING MARIJUANA PRODUCTION AND PROCESSING  
FACILITIES, AND RETAIL SALES; AMENDING SJCC 18.20.130, 18.30.030, 18.30.040,  
18.30.460; AND ADDING NEW SECTIONS**

**BACKGROUND**

- A. In 2012, the voters of the State of Washington passed Initiative 502 (I-502), amending Chapter 69.50 RCW and legalizing recreational marijuana in Washington State.
- B. San Juan County Code (SJCC) does not specifically regulate the siting of licensed marijuana production and processing operations.
- C. Although the State of Washington does not consider marijuana an agricultural crop, the County considers marijuana production a land use similar to it and regulates marijuana growing the same as agriculture.
- D. Marijuana processing is allowed in commercial and industrial land use designations and retail sales of marijuana is allowed in designations where retail sales are allowed.
- E. Licensed marijuana production and processing operations could have significant impacts on the community.
- F. The lack of specific marijuana production and processing regulations may result in land use conflicts, adverse impacts to rural character, natural resources and the public welfare.
- G. The County Council identified a need to adopt specific regulations to address impacts from marijuana production and processing operations that might affect property values, security, lighting, odors, water use, conversion of prime farmland to other uses, neighborhood compatibility, rural character and the tourism sector of the economy.
- H. Specific local standards for retail sales are needed.
- I. The County Council specifically desires to:
  - 1. Adopt specific definitions of marijuana production and processing to the Unified Development Code (UDC), Title 18 SJCC.
  - 2. Regulate marijuana production and processing as a specific use in the UDC.
  - 3. Establish performance and siting standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility.

- 1 **J.** County staff completed the environmental and nonproject action SEPA checklists for the  
2 project in compliance with the State Environmental Policy Act (SEPA), and determined  
3 that the proposal would be unlikely to create any significant adverse environmental  
4 impacts.  
5
- 6 **K.** County staff issued a Determination of Non-significance (DNS) on XXXXXX, 2020. The  
7 DNS and notice of the XXXX, 2020 Planning Commission public hearing were advertised  
8 in the Journal of the San Juan Islands and The San Juan Islander on XXXXXX, 2020. The  
9 environmental checklists and DNS were transmitted to federal, state and local agencies in  
10 accordance with SJCC 18.80.050 and WAC 197-11-340.  
11
- 12 **L.** The Washington State Department of Ecology published notice of the SEPA determination  
13 on their SEPA register under No. XXXXXXXXXXXXXXXX.  
14
- 15 **M.** County staff submitted a sixty-day notice regarding the potential adoption of amendments  
16 to the development regulations to the Washington State Department of Commerce  
17 (Commerce) on XXXXXX, 2020 to comply with RCW 36.70A.106.  
18
- 19 **N.** Commerce acknowledged receipt of the sixty-day notice identified as Submittal No.  
20 XXXXXX on XXXX, 2020.  
21
- 22 **O.** County staff briefed the Planning Commission on the proposal on XXXXXXXXXXXXXXXX.  
23
- 24 **P.** County staff published a public hearing notice in The Journal of the San Juan Islands and  
25 Islands Sounder on XXXXXXXX, 2020.  
26
- 27 **Q.** The Planning Commission held a duly advertised public hearing on XXXXXXXX, deliberated  
28 and recommended that the County Council should approve the ordinance.  
29
- 30 **R.** County staff briefed the County Council on the Planning Commission's recommendation  
31 on XX, 2020.  
32
- 33 **S.** The County Council held a duly advertised public hearing on X, 2020.  
34
- 35 **T.** The County Council deliberated on the ordinance and made the following findings:  
36
- 37 1. It is appropriate to establish specific regulations for marijuana production and  
38 processing operations.  
39
  - 40 2. It is appropriate to establish specific siting and performance standards for marijuana  
41 production and processing operations because to ensure that the County addresses potential  
42 land use compatibility issues and minimizes adverse impacts to rural character, natural  
43 resources and the public welfare.  
44

45 WHEREAS, the County Council conducted a duly advertised public hearing and has received  
46 public testimony.

1           **NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan  
2 County, State of Washington, as follows:

3  
4           **Section 1.     SJCC 18.20.130 and Ordinance 11-2019 § 7 are each amended to read**  
5 **as follows:**

6     **18.20.130 “M” definitions.**  
7

8     “Maintenance agreement” means a written agreement between parties to physically maintain a  
9 facility for common use in a manner which conforms to standards of adequacy specified in such  
10 an agreement.

11     Maintenance and Repair, Normal.

12           1. “Normal maintenance” includes those acts to prevent a decline, lapse, or cessation from  
13 a lawfully established condition.

14           2. “Normal repair” means to restore a development to a state comparable to its original  
15 condition within a reasonable period after decay or partial destruction.

16     Normal maintenance and repair do not include maintenance and repair that cause substantial  
17 adverse effects to shoreline resources or environment (WAC 173-27-040).

18     “Manufacturing” means the mechanical or chemical transformation of materials or substances  
19 into new products, including the assembling of component parts, the creation of products, and  
20 the blending of materials, such as lubricating oils, plastics, resins, or liquors.

21     “Marijuana” or “marihuana” means all parts of the plant Cannabis, whether growing or not, with a  
22 THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
23 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,  
24 or preparation of the plant, its seeds or resin. Marijuana is not an agricultural product. The term  
25 does not include:

26           (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the  
27 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation  
28 of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized  
29 seed of the plant which is incapable of germination; or

30           (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp  
31 production under chapter 15.140 RCW.

1 "Marijuana processor" means a person licensed by the Washington State Liquor and Cannabis  
2 Board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused  
3 products, package and label marijuana concentrates, useable marijuana, and marijuana-infused  
4 products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and  
5 marijuana-infused products at wholesale to marijuana retailers.

6 "Marijuana producer" means a person licensed by the Washington State Liquor and Cannabis  
7 Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana  
8 producers.

9 "Marina" means a facility that provides wet moorage or dry storage, supplies, and services for  
10 pleasure craft and some types of commercial craft. Boat-launching facilities may also be  
11 provided at a marina.

12  
13 "Marine railway" means a set of rails running from the upland area into the water upon which a  
14 boat can be launched.

15  
16 "Market value" means value of land or structures as assessed by the San Juan County assessor's  
17 office.

18  
19 "Marsh" means a soft, wet area periodically or continuously flooded to a shallow depth, usually  
20 characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.  
21

22 "Master planned resort" means a self-contained and fully integrated planned unit development in  
23 a setting of significant natural amenities, with primary focus on destination resort facilities  
24 consisting of short-term visitor accommodations associated with a range of on-site indoor or  
25 outdoor recreational facilities.

26 "Material change" means a measurable change that has significance for existing or proposed  
27 development or for the existing environment.

28 "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each  
29 day's highest tide at a particular location over a period of 19 years. It is measured from the  
30 MLLW equals 0.0 tidal elevation.

31 "Mean lower low water" or "MLLW" means the 0.0 tidal flat elevation. It is determined by  
32 averaging each day's lowest tide at a particular location over a period of 19 years. It is the tidal  
33 datum for vertical tidal references in the saltwater area.

34 "Midden" means an area of ancestral human use that consists of an ancient refuse heap.

- 1 “Mine hazard” means an area of potential danger to persons or property due to past or present  
2 mineral extraction operations.
- 3 “Mineral extraction” means the removal of naturally occurring materials from the earth for  
4 economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal,  
5 and various types of stone.
- 6 “Mineral resource lands” means those lands from which the commercial extraction of minerals  
7 (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to  
8 have long-term commercial significance.
- 9 “Mini-storage” means a structure or structures containing separate, individual, and private  
10 storage spaces of varying sizes leased or rented individually for varying periods of time.
- 11 “Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or  
12 compensate for adverse impacts.
- 13 “Mixed-use development” means a development with one or more mixed-use structures.
- 14 “Mixed-use structure” means a building containing residential and nonresidential uses.
- 15 “Mobile food vending unit” means a portable food or drink service vehicle.
- 16 “Mobile home” means a structure that is (1) designed to be transportable in one or more sections;  
17 (2) built on a permanent chassis; (3) designed to be used as a dwelling unit, with or without  
18 permanent foundation; and (4) connected to the required utilities, including plumbing, heating,  
19 septic, and electrical systems (RCW 43.22.340).
- 20 “Mobile home park” means a development with two or more improved pads or spaces with  
21 required improvements and utilities designed to accommodate mobile homes, according to  
22 RCW 59.20.030(4).
- 23 “Monopole” means the type of antenna mount that is self-supporting with a single shaft,  
24 typically of wood, steel or concrete, and is self-supporting without guy wires.
- 25 “Moorage” means any over-water facility for securing boats, including docks, piers, and mooring  
26 buoys, but excluding anchorage and dry boat storage.
- 27 “Mooring buoy” means a buoy used for vessel moorage that meets federal and state standards, is  
28 located waterward of the OHWM, and is permanently anchored to the sea or lake bed.

1 “Mooring float” means a standalone float used for vessel moorage that meets federal and state  
 2 standards, is located waterward of the OHWM, and is permanently secured to the sea or lake  
 3 bed.

4 Motel. See “hotel.”

5 “Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered  
 6 to provide facilities for human habitation, which include lodging, cooking, and sewage disposal,  
 7 and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit  
 8 constructed separately and affixed to a motor vehicle (RCW 46.04.305).

9 **Section 2. SJCC 18.30.030 and Ordinance 25-2012 § 7 are each amended to read**  
 10 **as follows:**

11 **18.30.030 Land use table – Activity center land use designations.**

#### **How to Use This Table**

Table 18.30.030 displays the classification of uses for activity center land use designations.

The allowability and classification of uses as represented in the tables are further modified by the following:

- The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note that designations within the shorelines jurisdiction use some of the same names as the uplands land use designations but allowable uses may differ substantially between the uplands and shorelines designations. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also notes 1 – 3 to this table.
- All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use designation and location, all relevant regulations must also be consulted in addition to this table.

Categories of uses:

Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.

P = Provisional use (a project permit) subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.

P/C = After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required.

C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.

P.A. = Plan Amendment. The use requires an amendment to an adopted master plan; see SJCC 18.30.060 and 18.90.060.

N = Prohibited use.

Basic activity center land use designations:

VC = Village Commercial HC = Hamlet Commercial

IC = Island Center VI = Village Industrial

HI = Hamlet Industrial MPR = Master Planned Resort

VR = Village Residential HR = Hamlet Residential

Residential Activity Center = Rural Residential, Table 18.30.040 (SJCC 18.30.220(C)(2))

Also see designations and associated regulations for Eastsound, Olga Hamlet, Orcas Village, Deer Harbor and Country Corner Island Center (LAMIRD).

1

**Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>**

Land Uses	Classification of Uses by Land Use Designation								
	Village			Hamlet <sup>1,5</sup>			Island	Master Planned Resort	
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>	
<b>Commercial Uses</b>									
Animal shelters and kennels	P	C	N	C	C	N	C		P.A.
Automotive fuel, service, and repair stations	P	P	N	P	P	N	P		P.A.
Bed and breakfast inn	P	N	C	P	N	C	N		P/C
Bed and breakfast residence	P	N	P	P	N	P	P		P
Camping facilities	P	N	N	C	N	N	N		P.A.
Day care with 1 – 6 children	P	P	P	P	P	P	P		P

**Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>**

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Day care with 7+ children	P	C	P	P	C	P	P	P/C
Drinking establishment	Y	N	N	Y	N	N	N	P/C
Eating establishment	Y	N	N	Y	N	N	N	P/C
Hotel/Motel	Y	N	N	C	N	N	N	P.A.
Indoor entertainment facility	Y	P/C	N	C	C	N	N	P/C
Nursing homes	P	N	N	N	N	N	N	P.A.
Personal and professional services	Y	N	N	Y	N	N	N	P/C
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P	C <sup>(10)</sup>	P	P	C <sup>(10)</sup>	P	P.A. (P/C where allowed)
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities camouflaged or disguised as an allowable exemption to the height standard	P	P	C	P	P	C	P	P.A. (P/C where allowed)
Personal wireless service facilities, other	C	C	N	C	C	N	C	P.A. (C where allowed)
Residential care facilities with up to 8 persons	P	N	P	P	N	P	P	P.A.
Residential care facilities with 9 – 15 persons	P	N	C	P	N	C	P	P.A.
Resorts and camps, new	P	N	N	C	N	N	N	See Note 5
<b>Commercial Uses</b>								
Existing resorts and camps, expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	See Note 5
Existing resorts and camps, increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	See Note 5

Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Retail sales and services	P	P/C	N	P	N	N	P	P/C
Warehouse, mini-storage, and moving storage facilities	N	P	N	N	P/C	N	P	P.A.
Unnamed commercial uses	P/C	P/C	N	P/C	P/C	N	P/C	P/C
<b>Industrial Uses</b>								
Bulk fuel storage facilities	N	C	N	N	C	N	P/C	P.A.
Concrete and concrete batch plants	N	C	N	N	N	N	N	P.A.
Construction yards	N	P	N	N	P/C	N	P	P.A.
Feedlots	N	N	N	N	N	N	N	P.A.
Garbage and solid waste transfer stations	N	P	N	N	C	N	P/C	P.A.
Heavy equipment rental services	N	C	N	N	N	N	P	P.A.
Heavy industrial	N	C	N	N	N	N	N	P.A.
Light industrial	N	P	N	N	P/C	N	P/C	P.A.
Light manufacturing	C	P	N	N	P/C	N	P/C	P.A.
Lumber mills, stationary	N	N	N	N	N	N	C	P.A.
Marijuana production and processing, Tiers 1 and 2 <sup>13, 14</sup>	N	C	N	N	C	N	C	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N
Mining and mineral extraction activities	N	C	N	N	N	N	N	P.A.
Outdoor storage yards	N	P	N	N	P/C	N	P	P.A.
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P.A.
Recycling collection/processing	P/C	P/C	N	P/C	P/C	N	P/C	P.A.
Recycling collection	P	P	P/C	P	P	P/C	P	Y

Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Resource processing accessory to extraction operations	N	N	N	N	N	N	N	P.A.
Mining and mineral extraction activities	N	C	N	N	N	N	N	P.A.
Wholesale distribution outlet	N	Y	N	N	P/C	N	P/C	P.A.
Wrecking and salvage yards	N	C	N	N	N	N	N	P.A.
Storage and treatment of sewerage, sludge and septage – lagoon systems	N	N	N	N	N	N	N	P.A.
Unnamed industrial uses	P/C	P/C	N	P/C	N	N	P/C	P.A.
<b>Institutional Uses</b>								
College or technical school/adult education facility	P	P/C	N	P/C	P/C	N	N	P.A.
Community club or community organization assembly facility	P	N	P/C	P	N	P/C	N	P/C
Emergency services	Y	P/C	N	Y	Y	N	Y	P/C
Government offices	Y	N	N	N	N	N	N	P.A.
Institutional camps	N	N	N	N	N	N	N	P.A.
Library	Y	N	Y	Y	N	Y	N	P/C
Museum	Y	N	N	Y	N	N	N	P/C
Post office	Y	N	N	Y	N	N	N	P/C
Religious assembly facility	P	C	C	P/C	C	C	P	P.A.
School, primary and secondary	Y	N	C	Y	N	C	Y	P.A.
Unnamed institutional uses	C	C	C	C	C	C	C	P.A.
<b>Recreational Uses</b>								
Camping facilities in public parks	P	N	N	C	N	N	N	P.A.

Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Indoor recreation facilities	Y	P/C	N	P/C	P/C	N	P/C	P/C
Outdoor recreation developments	P	P/C	C	P/C	P/C	N	P/C	P/C
Parks	P	N	C	P	P	C	P	P/C
Playing fields	P	N	P	P	P	P	P	P/C
Recreational vehicle parks	P/C	P/C	N	P/C	N	N	N	P.A.
Outdoor shooting ranges	N	N	N	N	N	N	N	P.A.
Unnamed recreational uses	C	C	C	C	C	C	C	P.A.
<b>Residential Uses</b>								
Cottage enterprise	P	P	P	P	P	P	P	P.A. <sup>(6)</sup>
Farm worker accommodations	P	N	P	Y	N	P	P	P.A. <sup>(6)</sup>
Farm stay	P	N	P	P	N	P	N	P.A. <sup>(6)</sup>
Home occupation	Y	Y	Y	Y	Y	Y	Y	P.A. <sup>(6)</sup>
Mobile home parks <sup>(7)</sup>	N	N	P	N	N	P	N	P.A. <sup>(6)</sup>
Multifamily residential units (3+ units)	P	P/C	Y	Y	N	Y	N	P.A. <sup>(6)</sup>
Single-family residential (1 unit only) or accessory apartment (1 unit only) accessory to an allowable nonresidential use	Y	Y	Y	Y	Y	Y	Y <sup>(9)</sup>	P.A. <sup>(6)</sup>
<b>Residential Uses</b>								
Single-family residential unit	Y	P/C	Y	Y	Y	Y	N	P.A. <sup>(6)</sup>
Two-family residential (duplex)	Y	P/C	Y	Y	P/C	Y	N	P.A. <sup>(6)</sup>
Rural residential cluster development	N	N	P/C	N	N	P/C	N	N
Unnamed residential uses	C	C	C	C	C	C	N	P.A. <sup>(6)</sup>

**Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>**

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Vacation rental of residence or accessory dwelling unit	P	P	C	P	P	C	P	P.A. <sup>(6)</sup>
<b>Transportation Uses</b>								
Airfields	N	C	N	N	N	N	N	P.A.
Airports	N	C	N	N	N	N	N	P.A.
Airstrips	N	N	N	N	N	N	N	P.A.
Hangars	N	P/C	P/C	N	N	N	N	P/C
Helipads	N	N	N	N	N	N	N	P.A.
Ferry terminal	C	C	N	C	C	N	N	P.A.
Parking lots, commercial	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Parking structures	P/C	P/C	N	N	N	N	N	P/C
Streets, public	Y	Y	Y	Y	Y	Y	Y	Y
Trails and paths, public	Y	Y	Y	Y	Y	Y	Y	Y
Unnamed transportation uses	P/C	P/C	N	P/C	P/C	N	P/C	P/C
<b>Utilities Uses</b>								
Commercial communication facilities <sup>(10)</sup>	C	C	N	C	C	N	C	P.A. (C where allowed)
Commercial power-generation facilities	C	C	C	C	C	C	C	P.A.
Community sewerage treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Category "A" joint use wireless facility <sup>(12)</sup>	Y	Y	Y	Y	Y	Y	Y	Y
Category "B" joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage – systems other than lagoons	C	C	C	C	C	C	C	P.A.
Utility distribution lines	Y	Y	Y	Y	Y	Y	Y	Y

**Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>**

Land Uses	Classification of Uses by Land Use Designation								
	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort	
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>	
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
<b>Utilities Uses</b>									
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
<b>Agricultural and Forestry Uses</b>									
Agricultural activities <sup>(11)</sup>	Y	Y	Y <sup>(11)</sup>	Y	Y	Y <sup>(11)</sup>	Y	Y	
Forest practices, <sup>(8)</sup> no processing	Y	Y	Y	Y	Y	Y	Y	Y	
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	Y	
Nurseries	Y	N	N	Y	5	N	Y	P/C	
Small-scale slaughterhouses	N	Y	N	N	Y	N	P	P.A.	
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	P.A.	

1 Notes:

2 1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed  
 3 to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the  
 4 general regulations in SJCC 18.30.050 through 18.30.055 unless otherwise stated therein.

5 2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water  
 6 mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the

- 1 applicable provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the  
2 applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for  
3 specific use regulations and regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit  
4 requirements.
- 5 3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations  
6 for certain land areas and for uses that warrant specific recognition and management. For any land use or  
7 development proposed to be located entirely or partly within an overlay district, the applicable provisions of the  
8 overlay district shall prevail over any conflicting provisions of the UDC.
- 9 4. Activity center and subarea plans provide alternative and more specific policies and regulations for some areas.  
10 In case of conflict, the regulations of the activity center or subarea plan shall prevail.
- 11 5. Special provisions for uses within master planned resort activity centers are described in SJCC 18.30.060; see  
12 also SJCC 18.60.190 and 18.90.060.
- 13 6. An MPR includes short-term visitor accommodations that are associated with the recreational facilities of the  
14 resort. An MPR may also include other permanent residential uses, conference facilities, and commercial  
15 activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site  
16 recreational nature of the resort. It is incumbent on the master plan or plan amendment proponent to provide the  
17 information supportive of such a determination. Also see SJCC 18.30.060, 18.60.190, and 18.90.060.
- 18 7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it  
19 through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through  
20 and meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park  
21 the allowable uses would be indicated by the row "Single-Family Residential Unit."
- 22 8. Forest practices (including timber harvesting), except for Class IV General (see  
23 SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.
- 24 9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and  
25 located within or attached and subordinate to the commercial or industrial structure. The unit may not include an  
26 accessory dwelling unit in addition to the main residence.
- 27 10. To minimize commercial developments in residential neighborhoods, in lands designated HR and VR, wireless  
28 facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming  
29 structure and cannot be the primary land use.

11. Agricultural activities are allowed except for “agricultural processing, retail and visitor serving facilities for products” in VR and HR.

12. Though a project permit is not required, facilities are subject to the requirements for joint use wireless facilities found in Chapter 18.40 SJCC.

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. Applicants must designate the proposed production tier and the amount of square footage of proposed plant canopy on their land use and building permit application plans. 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.

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

**Section 3. SJCC 18.30.030 and Ordinance 25-2012 § 8 are each amended to read as follows:**

**18.30.040 Land use table – Rural, resource, and special land use designations.**

**How to Use This Table**

Table 18.30.040 displays the classification of uses for rural, resource, and special land use designations.

The allowability and classification of uses as represented in the tables are further modified by the following:

- The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note that designations within the shorelines jurisdiction use some of the same names as the uplands land use designations, but allowable uses may differ substantially between the uplands and shorelines. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also notes 1 – 3 to this table.
- All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use designation and location, all relevant regulations must also be consulted in addition to this table.

Categories of uses:

Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.

P = Provisional use (a project permit) subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.

P/C = After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required.

C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.

P.A. = Plan Amendment. The use requires an amendment to an adopted master plan; see SJCC 18.30.060 and 18.90.060.

N = Prohibited use.

Rural, resource, and special land use designations:

RGU = Rural General Use RI = Rural Industrial FOR = Forest Resource Lands

RR = Rural Residential RC = Rural Commercial C = Conservancy

RFF = Rural Farm-Forest AG = Agricultural Resource Lands N = Natural

Residential Activity Center = Rural Residential, Table 18.30.040 (SJCC 18.30.220(C)(2))

**Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designation<sup>(1, 2, 3)</sup>**

Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
<b>Commercial Uses</b>									
Animal shelters and kennels	C	N	C	N	C	N	N	N	N
Automotive fuel, service, and repair stations	C	N	N	P	P	N	N	N	N
Bed and breakfast inn	C	N	C	N	P	N (C if historic) <sup>(5)</sup>	N (C if historic) <sup>(5)</sup>	N (C if historic) <sup>(5)</sup>	N
Bed and breakfast residence	P	N	P	N	P	P	P	N (C if historic) <sup>(5)</sup>	N
Camping facilities	C	N	N	N	N	N	N	N	N

			(C if historic) <sup>(5)</sup>						
Day care with 1 – 6 children	P	P	P	P	P	P	P	N	N
Day care with 7+ children	C	C	C	C	P	N	N	N	N
Drinking establishment	N	N	N	N	N	N	N	N	N
Eating establishment	C	N	N	N	C	N	N	N	N
Hotel/Motel	N	N	N	N	N	N	N	N	N
Indoor entertainment facility	C	N	N	N	N	N	N	N	N
Nursing homes	N	N	N	N	N	N	N	N	N
Personal and professional services	P/C	N	N	N	N	N	N	N	N
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P/C <sup>(13)</sup>	P/C <sup>(13)</sup>	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities disguised or camouflaged as an allowable exemption to the height standard	P	P/C	P/C	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N
Personal wireless service facilities, other	P/C	N	C <sup>(13)</sup>	P/C	P/C	C <sup>(14)</sup>	C	N (P at Mt. Constitution Sites)	N
Residential care facilities with up to 8 persons	P	P	P	N	P	P	P	N	N
<b>Commercial Uses</b>									
Vet clinic	C	N	C	N	P/C	N	N	N	N
Residential care facilities with 9 – 15 persons	P	C	C	N	C	N	N	N	N
Resorts and camps, new	C	N	N	N	N	N	N	N	N

			(C if historic) <sup>(5)</sup>		(P/C if historic) <sup>(5)</sup>				
Resorts and camps, existing: expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	P	P
Resorts and camps, existing: increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N	N
Retail sales and services	C	N	N	N	P	N	N	N	N
Warehouse, mini-storage, and moving storage facilities	C	N	N	N	N	N	N	N	N
Unnamed commercial uses	P/C	N	P/C	P/C	P/C	N	N	N	N
<b>Industrial Uses</b>									
Bulk fuel storage facilities	C	N	N	C	C	N	N	N	N
Commercial composting	P/C	N	N	P/C	P/C	N	P/C	N	N
Concrete and concrete batch plants	C	N	N	C	N	N	N	N	N
Construction yards	C	N	N	P/C	P/C	N	N	N	N
Feedlots	N	N	N	N	N	N	N	N	N
Garbage and solid waste transfer stations	C	N	N	P/C	P/C	N	N	N	N
Heavy equipment rental services	C	N	N	P	P	N	N	N	N
Heavy industrial	C	N	N	C	N	N	N	N	N
Light industrial	C	N	N	P/C	C	N	N	N	N
Light manufacturing	C	N	N	P/C	C	N	N	N	N
Lumber mills, stationary	C	N	P	P	P/C	P/C	P/C	N	N

Note: Row added for easy use.	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Marijuana production and processing, Tiers 1 and 2 <sup>15, 16, 18</sup>	C	N	C <sup>17</sup>	C	N	C <sup>17</sup>	N	N	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N	N
Outdoor storage yards	C	N	N	P	N	N	N	N	N
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Recycling collection/processing	C	N	N <sup>(12)</sup>	C	C	N	N	N	N
Recycling collection	P	N	N	Y	Y	N	N	N	N
Resource processing accessory to extraction operations	C	N	N	N (C if existing) <sup>(6)</sup>	N	N	N	N	N
<b>Industrial Uses</b>									
Mining and mineral extraction activities	C	N	N	N (C if existing) <sup>(6)</sup>	N	N	N	N	N
Wholesale distribution outlet	C	N	N	N	N	N	N	N	N
Wrecking and salvage yards	C	N	N	P/C	N	N	N	N	N
Storage and treatment of sewerage, sludge and septage – lagoon systems	C	N	N	P	N	N	N	N	N
Unnamed industrial uses	C	N	N	C	N	N	N	N	N
<b>Institutional Uses</b>									
College or technical school/adult education facility	C	N	N	C	C	N	N	N (P/C at UW FHL)	N

Community club or community organization assembly facility	C	C	N	N	P/C	N (P/C at Port Stanley School) <sup>(11)</sup>	N	N	N
Emergency services	Y	C	C	Y	Y	C	C	C	N
Government offices	N	N	N	N	N	N	N	N	N
Institutional camps	N	N	N (P/C if historic) <sup>(5)</sup>	N	N	N	N (P/C if historic) <sup>(5)</sup>	N	N
Library	C	C	N	N	N	N	N	N	N
Museum	C	C	N	N	C	N (C at Port Stanley School) <sup>(11)</sup>	N	N	N
Post office	N	N	N	N	N	N	N	N	N
Religious assembly facility	P/C	P/C	P/C	P/C	P/C	C	C	N	N
School, primary and secondary	C	N	N	N	C	N	N	N	N
Unnamed institutional uses	C	N	N	C	C	N	N	N	N
<b>Recreational Uses</b>									
Camping facilities in public parks	C	N	N	N	N	N	N	C	N
Indoor recreation facilities	C	N	N	N	C	N	N	N	N
Indoor swimming pool	C	N	C	N	C	N	N	N	N
Outdoor recreation developments	C	C	C	C	C	N	N	P/C	C
Parks	C	C	C	C	C	N	C	P/C	C
Playing fields	C	C	C	C	C	N	N	C	N
<b>Recreational Uses</b>									
Recreational vehicle parks	N	N	N	N	N	N	N	N	N
Outdoor shooting ranges	C	N	N	C	N	N	N	N	N
Unnamed recreational uses	C	C	C	C	C	C	C	N	N

<b>Residential Uses</b>									
Cottage enterprise	P	N	P	P	P	P	P	P	N
Farm worker accommodations	P	N	P	P	P	P	P	N	N
Farm stay	P	N	P	N	N	P	P	N	N
Home occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mobile home parks <sup>(7)</sup>	N	N	N	N	N	N	N	N	N
Multifamily residential units (3+ units)	N	N	P/C	N	N	N	N	N	N
Single-family residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	P	N	P	P <sup>(9)</sup>	P <sup>(9)</sup>	P	P	N	N
Single-family residential unit	Y	Y	Y	N	N	Y	Y	Y	Y
Two-family residential (duplex)	N	N	Y	N	N	Y	Y	N	N
Rural residential cluster development	N	P/C	P/C	N	N	N	N	N	N
Unnamed residential uses	C	C	C	N	N	C	C	N	N
Vacation rental of residence or accessory dwelling unit	P	C	P	P	P	N	N	N	N
<b>Transportation Uses</b>									
Airfields	C	N	N	N	N	N	N	N	N
Airports	C	N	N	N	N	N	N	N	N
Airstrips	C	N	N	N	N	N	N	N	N
Hangars	P	P	P	N	N	N	N	N	N
Helipads	N	N	N	N	N	N	N	N	N
Ferry terminal	C	N	N	C	C	N	N	N	N

Parking lots, commercial	N	N	N	N	N	N	N	N	N
Parking structures	N	N	N	N	N	N	N	N	N
Streets, public	Y	Y	Y	Y	Y	Y	Y	C	C
Trails and paths, public	Y	Y	Y	Y	Y	Y	Y	C	C
Unnamed transportation uses	P/C	P/C	P/C	P/C	P/C	C	C	C	C
<b>Utilities Uses</b>									
Commercial communication facilities	N	N	N	P	N	N	N	N (C at Mt. Constitution Sites)	N
Commercial power-generation facilities	C	N	N	P/C	P/C	C	C	N	N
Community sewerage treatment facilities	N	N	N	N	N	N	N	N	N
Category "A" joint use wireless facility <sup>(10)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y
Category "B" joint use wireless facility	P/C	P/C							
Storage and treatment of sewerage, sludge and septage systems other than lagoons	C	C	C	C	C	C	C	N	N
Utility distribution lines	P	P	P	P	P	P/C	P/C	P/C	P/C
Utility facilities	P/C	P/C							
Utility substations	P/C	P/C							
Utility transmission lines	P/C	P/C							
Water storage tanks, community	P/C	C							
Water treatment facilities	P/C	C							
Unnamed utility uses	P/C	C	C						

Agricultural and Forestry Uses									
Agricultural activities	Y	Y	Y	Y	Y	Y	Y	Y	N
Forest practices, no processing <sup>(8)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	N
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	P/C	N
Nurseries	Y	N	Y	Y	Y	Y	Y	N	N
Small-scale slaughterhouses	P	N	P	Y	Y	P	P	N	N
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	N	N

1 Notes:

- 2 1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed  
3 to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the  
4 general regulations in SJCC 18.30.050 through 18.30.055 unless otherwise stated therein.
- 5 2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water  
6 mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the  
7 applicable provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the  
8 applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for  
9 specific use regulations and regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit  
10 requirements.
- 11 3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations  
12 for certain land areas and for uses that warrant specific recognition and management. For any land use or  
13 development proposed to be located entirely or partly within an overlay district, the applicable provisions of the  
14 overlay district shall prevail over any conflicting provisions of the UDC.
- 15 4. Special provisions for uses within conservancy and natural land designations are described in SJCC 18.30.070.
- 16 5. "Historic": In several isolated cases an existing use that would be made nonconforming by this UDC is  
17 considered desirable to allow to continue and possibly to expand. Because this might be difficult or prohibited if  
18 the use were to become nonconforming, the use is labeled "historic," and the allowable use designation is  
19 indicated. See also the definitions in Chapter 18.20 SJCC.

- 1 6. Restriction of mining and mineral extraction and related resource processing in RI shall not preclude  
2 consideration of an application for redesignation as a mineral resource lands overlay district. "Existing" means  
3 operating at the time of the adoption of this code.
- 4 7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it  
5 through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through  
6 and meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park  
7 the allowable uses would be indicated by the row "Single-Family Residential Unit."
- 8 8. Forest practices (including timber harvesting), except for Class IV General (see  
9 SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.
- 10 9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and  
11 located within or attached and subordinate to the commercial or industrial structure. The unit may not include an  
12 accessory dwelling unit in addition to the main residence.
- 13 10. Though a project permit is not required, these facilities are subject to the requirements for joint use wireless  
14 facilities found in Chapter 18.40 SJCC.
- 15 11. The use of the Port Stanley School for artistic, scientific, historic, museum or educational purposes or  
16 community gatherings or meetings (as provided by RCW 84.36.060) is allowed by permit.
- 17 12. Properties with existing conditional use permits for recycling centers may apply for a new conditional use  
18 permit to expand the allowable uses to include recycling collection and/or processing.
- 19 13. To minimize commercial developments in residential neighborhoods, in lands designated RR and RFF with  
20 lots of less than five acres in size, wireless facilities other than joint use wireless facilities must be permitted by  
21 the use table and accessory to a legal conforming or nonconforming structure and cannot be the primary land use.
- 22 14. In AG resource designations wireless facilities shall be located, designed and operated so as to minimize  
23 interference with agricultural uses and the open, uninterrupted, pastoral viewscapes.
- 24 15. Marijuana production may be indoor or outdoor. Indoor means inside fully enclosed and secure structures  
25 including opaque greenhouses with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid,  
26 translucent greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier.  
27
- 28 16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington  
29 State Liquor and Cannabis Control Board. Applicants must designate proposed production tier and the amount of  
30 square footage of proposed plant canopy on land use and building permit application plans. The marijuana production  
31 tiers and canopy limits are:  
32
- 33 a. Tier 1: Less than two thousand square feet;

1  
2 b. Tier 2: Two thousand square feet up to ten thousand square feet; and

3  
4 c. Tier 3: Ten thousand square feet up to thirty thousand square feet.

5  
6 17. Marijuana processing is only allowed on a parcel designated RFF or AG resources to support a marijuana  
7 production operation on the same parcel.

8 18. The following minimum lot sizes apply to marijuana production and processing operations:

9 a. Tier 1: One acre in the RGU and RI and three acres in the RFF and Ag resource designations, and

10 b. Tier 2: Five acres in the RGU and RI and ten acres in the RFF and Ag resource designations.

11 **Section 4. SJCC 18.30.460 and Ordinance 21-2015 § 2 are each amended to read as**  
12 **follows:**

13 **18.30.460 Eastsound subarea land use regulations.**

14  
15 A. The following land use districts are based on existing land use patterns, natural features, and  
16 land capabilities, coordination with the Shoreline Master Program, and the needs and desires of  
17 the Orcas community as expressed in the goals and policies of the subarea plan. The districts are:

- 18 1. Village commercial‡ (minimum four – maximum 40 units/acre);
- 19 2. Village residential/institutional‡ (minimum four – maximum 12 units/acre);
- 20 3. Service and light industrial‡;
- 21 4. Eastsound residential‡:
- 22 One unit/acre P\*;
- 23 Two units/acre;
- 24 Two units/acre P\*;
- 25 Four units/acre P\*;
- 26 Minimum four – maximum 12 units/acre;
- 27 5. Service park;
- 28 6. Marina (maximum six – eight units/acre);

- 1        7. Eastsound airport‡;
- 2        8. Country corner commercial;
- 3        9. Eastsound rural residential‡:
- 4            One unit/five acres;
- 5            One unit/two acres;
- 6        10. Eastsound rural (maximum one unit/five acres);
- 7        11. Natural; and
- 8        12. Conservancy overlay.

9        Some areas within land use districts marked by an “‡” are also subject to the airport overlay  
10       requirements in SJCC 18.40.031 and 18.40.032.

11       Residential density designations with a “P\*” indicate those locations where site planning is  
12       required under SJCC 18.60.240. This planning is necessary to ensure that development at less  
13       than four units per acre density will not preclude possible future development at urban-level  
14       densities (four units per acre or higher). New residential development in such areas is subject to  
15       approval by the director for this purpose.

16       Retail sales, laundries and laundromats, equipment rentals, restaurants, and post offices are  
17       prohibited in the portion of the village commercial district described as follows: between High  
18       School and Rose Streets and east of Pine Street and all areas east of Madrona Street.

19       Uses that are prohibited in the land use table may be allowed as a cottage industry or home  
20       occupation; provided, that the use meets the requirements set forth in SJCC 18.40.190 and  
21       SJCC 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use  
22       instead of a specific type of use.

23       The following tables which show allowed and prohibited uses are followed by the development  
24       standards and specific development conditions that apply to each land use district.

25

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

<b>Commercial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Veterinarian Office Small animals only	YES	YES	YES	NO	YES	NO	NO	CUP	NO	NO	NO
Animal Shelters/Hospitals and Kennels	NO	NO	YES (Must be enclosed or screened)	NO	YES	NO	NO	CUP	NO	NO	NO
Automotive Fuel, Service and Repair Stations	NO	NO	YES	NO	YES	NO	YES Airplane service and repair	PROV	NO	NO	NO

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Bed and Breakfast Inn (2 – 5 Rooms)	YES	PROV	NO	PROV	NO	CUP	NO	P/C	PROV	PROV	NO
Bed and Breakfast Residence (1 – 2 Rooms)	YES	PROV	NO	YES	YES	YES	NO	NO	YES	PROV	NO
Day Care with 1 – 6 Children	YES	YES	NO	YES	YES	CUP	NO	CUP	YES	YES	NO
Day Care with 7+ Children	YES	YES	NO	YES	YES	CUP	NO	P/C	YES	CUP	NO
Drinking Establishment	YES	NO	NO	NO	NO	YES	NO	CUP	NO	NO	NO
Eating Establishment	YES <sup>2</sup>	NO	NO	NO	NO	YES	YES	CUP	NO	NO	NO
Hotel/Motel	YES	NO	NO	NO	YES (5 rooms max.)	YES	NO	NO	NO	NO	NO

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<b>Commercial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Indoor Entertainment Facility inc. Theater	YES	YES	NO	NO	NO	YES	CUP	PROV	NO	NO	NO
Food Vending Trailer	YES	NO	NO	NO	NO	YES	YES	YES	NO	NO	NO
Kiosk	YES	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
Nursing Homes	YES	YES	NO	CUP	NO	YES	NO	NO	CUP	NO	NO
Personal and Professional Services	YES	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO
Personal Wireless Communications Service Facilities at Potentially Suitable Locations	YES	YES	YES	NO	YES	YES	YES	CUP	NO	YES	NO
Residential Care Facilities with up to 8 Persons	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Residential Care Facilities with 9 – 15 Persons	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO
Resorts and Camps, New	NO	CUP	NO	NO	NO	YES	NO	NO	NO	NO	NO
Equipment Rental Services	YES <sup>2</sup>	NO	YES	NO	YES	YES	YES	PROV	NO	NO	NO
Construction Related Businesses – No Outdoor Storage Unless Screened	YES	NO	YES	NO	YES	YES	YES	YES	NO	NO	NO
Retail Sales and Services	YES <sup>2</sup>	NO	YES (only if related to other allowed uses or	NO	YES (only if related	PROV	YES (planes and	YES/CUP	NO	NO	NO

Table 1 – Allowed Commercial Uses by Eastsound Land Use District

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ P* 1 unit/acre 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
			business requiring substantial storage or products manufactured in same facility)		to other allowed uses or business requiring substantial storage or products		related products only)				

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

<b>Commercial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial<sup>‡</sup> (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional<sup>‡</sup> (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial<sup>‡</sup></b>	<b>Eastsound Residential<sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina<sup>‡</sup> (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport<sup>‡</sup></b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
					manufac tured in same facility)						
Artisan Activities	YES	NO	CUP	NO	CUP	NO	NO	NO	NO	NO	NO
Marina and Related Retail, Repair and Rentals	YES	NO	YES	NO	YES	YES	NO	NO	NO	NO	NO
Laundry/ Laundromat	YES <sup>2</sup>	NO	YES	NO	NO	YES	YES	CUP	NO	NO	NO

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Warehouse, Mini-storage, and Moving Storage Facilities	NO	NO	YES	NO	YES	NO	YES	CUP	NO	NO	NO
Landscaping, Lawn and Garden Centers, Nurseries and Retail Plant Sales	YES	NO	YES	NO	YES	NO	NO	P/C	NO	NO	NO
Car Wash	NO	NO	YES	NO	YES	YES	CUP	NO	NO	NO	NO
Unnamed Commercial Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in  
2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use. This use prohibited within that  
3 portion of the village commercial district described as follows: between High School and Rose Streets and east of Pine Street, and all areas east of Madrona Street.  
4

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Bulk Fuel Storage Facilities	NO	NO	CUP	NO	CUP	CUP	CUP	NO	NO	NO	NO
Concrete and Concrete Batch Plants	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Construction Yards	NO	NO	YES	NO	YES	NO	YES	CUP	NO	NO	NO
Feedlots	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

<b>Industrial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Garbage and Solid Waste Transfer Stations	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO
Heavy Equipment Rental Services	NO	NO	YES	NO	YES	NO (yes as accessory to marina)	NO	NO	NO	NO	NO
Heavy Industrial	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Light Manufacturing	NO	NO	YES (Enclosed by building – outside)	NO	YES (Enclosed by building – outside)	NO	YES	CUP	NO	NO	NO

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Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
			storage to be screened)		storage to be screened)						
Lumber Mills, Stationary	NO	NO	CUP	NO	CUP	NO	NO	NO	NO	NO	NO

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Marijuana Production and Processing, Tiers 1 and 2 <sup>2</sup>	CUP	NO	CUP	NO	CUP	NO	NO	CUP	NO	NO	NO
Marijuana Production and Processing, Tier 3	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre P* 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Outdoor Storage Yards	NO	NO	YES	NO	YES	YES	YES	NO	NO	NO	NO
Recycling Center	NO	NO	YES	NO	CUP	CUP	NO	NO	NO	NO	NO
Recycling Collection Point	NO	YES	YES	NO	YES	YES	NO	YES	NO	NO	NO
Resource Processing Accessory to	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Extraction Operations											
Mining and Mineral Extraction Activities	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Reclamation of Mineral Extraction Sites	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Wholesale Distribution Outlet	NO	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO
Wrecking and Salvage Yards	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO
Storage and Treatment of Sewerage, Sludge and Septage – Lagoon Systems	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre P* 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Unnamed Industrial Uses	NO	NO	CUP	NO	NO	NO	CUP	NO	NO	NO	NO

<sup>1</sup> Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.

<sup>2</sup> Marijuana production and processing must be conducted indoors in the Eastsound Urban Growth Area and Subarea. Indoors means in structures that are fully enclosed secure indoor facilities or opaque greenhouses with rigid walls, a roof, and doors. The maximum amount of space for marijuana production cannot exceed the amount licensed by the State Liquor and Cannabis Control Board. Applicants must designate the production tier and the amount of square footage of proposed plant canopy on land use and building permit application plans. 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.

1 **NOTES:**

2  
3 **SJCC 18.30.460 Tables 3 - 8 will be included in the public hearing draft.**  
4 **They are excluded from this briefing draft to save paper (36 pages) and to make it easier to**  
5 **use.**  
6

7 **NEW SECTION. Section 5.** A new section is added to SJCC Chapter 18.40 to read as  
8 follows:

9  
10 **Marijuana production and processing - general.**

11  
12 Marijuana producers and processors must comply with Title 69 RCW and Chapter 314-55 WAC  
13 and with the general standards below. Conflicts with federal law are not intended by this section,  
14 which does not regulate activity prohibited under local, state, or federal laws or rules.  
15

16 A. Only one Washington State Liquor and Cannabis Board marijuana license can be used on  
17 parcels outside of urban growth areas.  
18

19 B. The Washington State Liquor and Cannabis Board license must approve a license for the  
20 subject property prior to issuance of the County's certificate of final occupancy for buildings  
21 proposed for marijuana production or processing.  
22

23 C. For purposes of Title 18 SJCC, marijuana is not an agricultural product. Title 18 SJCC  
24 and other County agricultural regulations and programs such as the voluntary stewardship program  
25 do not apply to marijuana production, processing, or retail sales.  
26

27 D. Consistent with WAC 314-55-015, marijuana production and processing shall not take  
28 place in a residence, or be authorized as a home occupation or cottage industry.  
29

30 E. Marijuana production and processing operations may not be located in critical areas and  
31 their buffers, or in shoreline jurisdiction.  
32

33 **NEW SECTION. Section 6.** A new section is added to SJCC Chapter 18.40 to read as  
34 follows:

35  
36 **Marijuana production and processing – rural and AG resource land siting standards.**

37  
38 The following siting standards apply to marijuana production and processing in the rural and AG  
39 resources land use designations.  
40

41 A. In the AG resource designation, indoor marijuana production and processing shall only be  
42 allowed in structures existing as of (effective date of this ordinance). Expansion of existing  
43 structures for marijuana production or processing is prohibited.  
44

45 B. Marijuana production (indoor or outdoor) and processing structures shall be set back three  
46 hundred feet from property lines.

1 C. Marijuana production (indoor or outdoor) and processing structures shall be set back five  
2 hundred feet from existing residences located outside of the subject property. An existing  
3 residence is one that:

- 4
- 5 1. Was legally constructed, or
  - 6
  - 7 2. Had a vested building permit application prior submittal of the complete conditional use
  - 8 permit application for a marijuana operation.
  - 9

10 **NEW SECTION. Section 7.** A new section is added to SJCC Chapter 18.40 to read as  
11 follows:

12

13 **Marijuana production and processing – performance standards.**

14

15 Structures used for indoor marijuana production or processing, and outdoor production operations  
16 shall comply with the standards in Title 18 SJCC and this section. The development standards in  
17 WAC 314-55 prevail if they are stricter than those in Title 18 SJCC.

18

19 A. Fixtures illuminating production or processing operations shall direct light away from  
20 adjoining properties, critical areas and public roads consistent with SJCC 18.60.170 and Chapter  
21 18.35 SJCC.

22

23 B. The landscaping requirements of SJCC 18.60.160 apply. In addition, a Type A landscaping  
24 screen described by SJCC 18.60.160(D)(1) is required around indoor production or processing  
25 facilities and outdoor production operations. The landscaping screen shall be located outside of  
26 the State’s required security fence to provide a visual barrier. The director may waive the Type A  
27 landscaping and place conditions on the permit if existing vegetation or physical barriers would  
28 meet the intent of the Type A landscaping.

29

30 C. Producers and processors shall install the security requirements of WAC 314-55-083 prior  
31 to occupation of a marijuana operation.

32

33 D. Producers and processors that will use chemicals, industrial solvents, or other noxious or  
34 hazardous substances shall comply with all Federal, State, and County safety, fire, structural,  
35 storage, and disposal standards. They shall describe the proposed use of methods, equipment,  
36 solvents, gases, and mediums identified in WAC 314-55-104 on permit applications and site plans.

37

38 E. Permit applications shall include documentation of compliance with the water system  
39 requirements of SJCC 18.60.020 and waste disposal regulations in WAC 314-55-097, SJCC  
40 18.60.020 and Chapter 8.14 SJCC.

41

42 F. Producers and processors shall comply with Chapter 9.06 SJCC and muffle fan noise from  
43 their operations using the best available technology and.

44

45 G. Producers and processors shall use filters on exhaust air prior to dispersal.

46

1 H. Producers and processors shall minimize the odors emitted from structures by using best  
2 management practices and technology in the heating, ventilation and air filtration systems. A  
3 mechanical engineer licensed in the State of Washington shall design the odor control system. The  
4 engineer shall demonstrate in the application that the systems will not emit odors detectable at or  
5 beyond the property line in a concentration or duration that will cause a public nuisance, threaten  
6 public health or safety, or infringe upon the use of neighboring properties. Use of negative pressure  
7 techniques and air locks shall be included in the systems to reduce odors from escaping when doors  
8 open.

9  
10 L. Producers and processors shall minimize traffic impacts to public and private roads in rural and  
11 natural resource land use designations. The administrator may consult with the County engineer  
12 and recommend permit conditions needed to address traffic impacts such as requiring:

- 13 1. Continuing maintenance; and
- 14 2. An easement, or
- 15 3. Installation of road improvements prior to occupancy if traffic volumes will exceed ten  
16 trips per day from the operation.

17  
18  
19  
20  
21 **NEW SECTION. Section 8. A new section is added to SJCC Chapter 18.40 to read**  
22 **as follows:**

23  
24 **Marijuana retailers.**

25  
26 The following standards apply to marijuana retailers and their operations as defined in Chapter  
27 314-55 WAC.

28  
29 F. The use of one Washington State Liquor and Cannabis Board marijuana retail license is  
30 allowed per parcel.

31  
32 G. Retail sales of marijuana is prohibited outdoors.

33  
34 H. Marijuana stores shall not be greater than 2,500 square feet.

35  
36 I. Retailers shall submit a site plan to the department with land use and building permit  
37 applications that complies with SJCC 18.80.020(C) and identifies the proposed use of each room.

38  
39 J. The administrator shall not approve final occupancy of a building proposed for marijuana  
40 retailing prior to issuance of a Washington State Liquor and Cannabis Board license.

41  
42 **Section 9. Effective Date.**

43  
44 This Ordinance is effective on the 10<sup>th</sup> working day after adoption.

1           **Section 10.   Codification.**

2  
3                               Sections 1-8 of this ordinance shall be codified.

4  
5   ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

6  
7  
8  
9   ATTEST: Clerk of the Council

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

10  
11  
12  
13   \_\_\_\_\_  
14   Ingrid Gabriel, Clerk                               Date

\_\_\_\_\_  
Rick Hughes, Chair  
District 2

15  
16  
17  
18   REVIEWED BY COUNTY MANAGER

\_\_\_\_\_  
Bill Watson, Vice-Chair  
District 1

19  
20  
21  
22   \_\_\_\_\_  
23   Michael J. Thomas                               Date

24   RANDALL K. GAYLORD  
25   APPROVED AS TO FORM ONLY

\_\_\_\_\_  
Jamie Stephens, Member  
District 3

26  
27  
28   By: \_\_\_\_\_  
29   Date  
30



## Washington State Liquor Control Board

### Regulatory/Permitting Guidance for Outdoor Marijuana Producers

In addition to the requirements of the Washington State Liquor Control Board (WSLCB), marijuana producers applying for licenses under Initiative 502 (I-502) may be subject to additional local, state and regional regulations.

These additional regulatory requirements may have separate timelines and costs from the WSLCB process. They can include environmental permitting<sup>1</sup>, land-use regulations (zoning), business licensing and building/fire codes.

*Note: This fact sheet is for informational purposes only. It is intended to help marijuana producers be aware of local, state and/or regional requirements they may need to meet. For more technical information, contact the local, state and regional regulatory authorities listed below. WSLCB staff cannot answer permitting questions.*

### Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions (except for the 1,000 foot buffer zone mandated by I-502). Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural although local authorities may develop marijuana-specific zoning. Make sure local zoning allows your proposed use before committing to a location.

Local governments may also have their own business licensing requirements and they administer building, fire, electrical, mechanical, energy and plumbing codes.

*Tip: Many local governments offer a "pre-application" meeting where you can learn what local permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department and ask for their help. It could save you time and money.*

**State Environmental Policy Act (SEPA)** – SEPA is not a permit; it is an environmental review process which helps governments make decisions about permits and other actions. The WSLCB completed a SEPA review for the rules governing marijuana licensing. Individual producer operations may also have to undertake SEPA reviews. Local permitting agencies will determine if it is necessary.

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes such as solid waste disposal, traffic impacts, odors, etc. may be included. Additional guidance about SEPA can be found at:

- [www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html](http://www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html)

### State and Regional Environmental Permits and Regulations

There are a number of environmental permits and regulations that may apply to outdoor growing operations. These permits are generally administered by state or regional agencies unless a local jurisdiction has been delegated by the state to issue the permit.

**Water Resource Regulations** – For outdoor irrigation growers have four options to supply water to the plants: 1) Relying on rainfall; 2) Obtaining a water right permit; 3) Relying on the water right permit exemption for small uses of water or; 4) Obtaining water from a water purveyor such as an irrigation district.

- A Water Right Permit from the state Department of Ecology (Ecology) is needed for ground water withdrawals over 5,000 gallons a day or any surface water withdrawal.
- A Water Right Permit Exemption is available for groundwater withdrawals ("exempt wells") of no more than 5,000 gallons a day. Although this withdrawal does not need a permit, it is still subject to the same privileges and restrictions as a permitted water right. Only one groundwater exemption is allowed for any one project, regardless of size.
- Rainwater collection systems are allowed in Washington without requiring a water right. They can be used to store water collected in wet seasons for later use. Groundwater from exempt wells can also

<sup>1</sup> The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate and approval.

be pumped to a rainwater collection system and stored until needed for beneficial use as long as the 5,000 gallon limit per day is not exceeded.

Collected rain or ground water can only be used on the same parcel from which it was captured. For more information about water rights and rainwater collection systems, see:

- [www.ecy.wa.gov/programs/wr/rights/water-right-home.html](http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html)
- [www.ecy.wa.gov/programs/wr/hq/rwh.html](http://www.ecy.wa.gov/programs/wr/hq/rwh.html)

*Tip: The average wait time to obtain a Water Right Permit is fifteen years. The average wait to transfer a right is over five years. Ecology can help determine if a property has a water right, see: [www.ecy.wa.gov/programs/wr/rights/find\\_existing\\_wr.html](http://www.ecy.wa.gov/programs/wr/rights/find_existing_wr.html).*

Air Quality Regulations – Depending on location, Ecology or a local clean air authority will regulate activities that may affect air quality in different regions of the state. Activities that can be regulated include odors, dust and outdoor burning.

Odors and fugitive dust caused by agricultural activities on agricultural land are generally exempt from the requirements of Washington's Clean Air Act. However, the law specifies that "agricultural land" means "at least five acres of land devoted primarily to the commercial production of livestock, agricultural commodities or cultured aquatic products (RCW 70.94.640(5)(c))."

- Agricultural activities on parcels smaller than five acres may not be exempt from odor and dust complaints. Local clean air agencies have the authority to regulate odors that "may unreasonably interfere with another property owner's use or enjoyment of his property<sup>2</sup>." Operations that receive odor complaints may be subject to fines.
- Burn Permits are needed for certain agricultural and land clearing burning. These include:
  - Land Clearing Burn Permit – Land clearing burning means outdoor burning of trees, stumps, shrubbery or other natural vegetation from land clearing projects (i.e., projects that clear the land so it can be used for a different purpose). For information see: <http://apps.oria.wa.gov/permithandbook/permitdetail.asp?id=91>.
  - Agricultural Burning – several types of agricultural practices require burn permits. For more information see: <http://apps.oria.wa.gov/permithandbook/category.asp?id=1>.

*Tip: Consult with your local clean air agency or Ecology to determine if your outdoor operation or activities meet the requirements of the Clean Air Act or if you need a burn permit.*

[www.ecy.wa.gov/programs/air/local.html](http://www.ecy.wa.gov/programs/air/local.html).

Solid Waste Disposal – Outdoor growers have several options for disposal of marijuana waste but each has different requirements.

- Unadulterated marijuana crop residues may be tilled under, in place only and do not need to be ground and mixed with 50% other waste as required by the marijuana licensing rules.

If marijuana crop residues are not tilled under in place, they will need to be rendered unusable by mixing with 50% other materials and ground before disposal. This mix is considered a "solid waste" by Washington State regulations and its management and disposal must comply with "Solid Waste Handling Standards, Chapter 173-350 WAC." Ground materials can be handled in several ways:

- Crop residues which have been ground and mixed with 50% other materials can be land applied at agronomic rates. Land application will need a permit from the local health district.
- Composting of the ground marijuana mix on-site is allowed and the composted material can be returned to the fields.
- The ground marijuana mix may be shipped off-site to a regulated solid waste facility for disposal, composting or other handling.

Regulatory oversight of solid wastes is the responsibility of local health districts (sometimes called "environmental health"). If you choose to grind and mix your marijuana wastes with other materials, begin a conversation with your local health district on how to handle this waste.

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<sup>2</sup> WAC 173-400-040(5)

*Tip: Determine how you propose to handle your solid wastes before beginning operations. Be prepared to discuss the following with your local health district (be as specific as possible):*

- *What you will be mixing the marijuana waste with to render it unusable?*
- *If waste material is held before it is disposed of, where, how and for how long will it be stored?*
- *Do you plan to compost marijuana waste on-site?*
- *Do you plan to ship marijuana waste off site? If so, who will be hauling it and where will it go?*
- *If land-applying, where will that occur?*

**Hazardous Waste Management** – Waste pesticides may require special disposal.

*Tip: The WSDA operates a waste pesticide collection program, for information see: [www.agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx](http://www.agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx). Waste pesticides may also be accepted at your local hazardous waste collection facility.*

**Forest Practices Permit** – If a property owner is considering changing forested land to agricultural use they may need a Forest Practices Permit.

The Department of Natural Resources (DNR) regulates forest practices on private/state lands and issues Forest Practices Permits. Some counties and cities also issue permits for converting forest land to other uses. In those counties and cities a DNR permit is not required.

To determine jurisdictions see: <http://apps.oria.wa.gov/permithandbook/permitdetail.asp?id=34>

### **Do You Need Environmental Permits?**

Applicants are advised to consult with local and state authorities since permit requirements vary based on site- and process-specific conditions. This document is for reference purposes only. Your local permitting agency should be able to determine if you will need any environmental permits.

You can also contact the Department of Ecology in your region for more information and assistance. See [www.ecy.wa.gov/org.html](http://www.ecy.wa.gov/org.html)



# Washington State Liquor Control Board

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## Regulatory/Permitting Guidance for Indoor Marijuana Producers

In addition to the requirements of the Washington State Liquor Control Board (WSLCB), marijuana producers applying for licenses under Initiative 502 (I-502) may be subject to additional local, state and regional regulations.

These additional regulatory requirements may have separate timelines and costs from the WSLCB process. They can include environmental permitting<sup>1</sup>, land-use regulations (zoning), business licensing and building/fire codes.

*Note: This fact sheet is for informational purposes only. It is intended to help marijuana producers be aware of local, state and/or regional requirements they may need to meet. For more technical information, contact the local, state and regional regulatory authorities listed below. WSLCB staff cannot answer permitting questions.*

## Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions (except for the 1,000 foot buffer zone mandated by I-502). Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural although local authorities may develop marijuana-specific zoning. Make sure local zoning allows your proposed use before committing to a location.

Local governments may also have their own business licensing requirements. They also administer building, fire, electrical, mechanical, energy and plumbing codes. If you plan to make any changes to the structure or use of your building, you may need a permit.

*Tip: Many local governments offer a "pre-application" meeting where you can learn what local permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department and ask for their help. It could save you time and money.*

State Environmental Policy Act (SEPA) – SEPA is not a permit; it is an environmental review process which helps governments make decisions about permits and other actions. The WSLCB completed a SEPA review for the rules governing marijuana licensing. Individual producer operations may also have to undertake SEPA reviews. Local permitting agencies will determine if it is necessary.

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes such as wastewater and solid waste disposal, CO<sub>2</sub> use in the growing cycle, odors, etc. may be included. Additional guidance about SEPA can be found at:

- [www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html](http://www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html)

## State and Regional Environmental Permits and Regulations

There are a number of environmental permits and regulations that may apply to indoor growing operations. These permits are generally administered by state or regional agencies unless a local jurisdiction has been delegated by the state to issue the permit.

Water Quality Permits – water quality permits address wastewater or stormwater discharged from a facility or leaving facility grounds. Indoor marijuana producers may need water quality permits if they discharge wastewater from their growing operations, such as water containing excess fertilizers or if they construct a new facility.

*Wastewater discharge permits* can be issued by either the state Department of Ecology (Ecology) or a local jurisdiction, such as King County, if it has delegated authority. For more information see:

- <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=20>
- [www.kingcounty.gov/environment/wastewater/IndustrialWaste/DischargeApprovalOverview.aspx](http://www.kingcounty.gov/environment/wastewater/IndustrialWaste/DischargeApprovalOverview.aspx)

*Tip: Come to your pre-application meeting prepared to describe the amount of water you will need to operate your business, how much wastewater you will discharge and the wastewater composition. This will*

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<sup>1</sup> The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate and approval.

*help regulators decide if you need a waste water discharge permit, an authorization or your discharge is exempt.*

Construction stormwater permits are issued by Ecology and might be needed for construction of a new facility. They are required for land-disturbing activities that disturb one or more acres of land and that discharge stormwater into surface waters of the state. Smaller sites may also need a permit if they are part of a larger development that will disturb one acre or more. For more information see:

- <https://fortress.wa.gov/ecy/publications/publications/1010077.pdf>

Chemigation and Fertigation Regulations – Chemigation or fertigation refers to the application of fertilizers and/or pesticides through an irrigation water system. (The definition of fertilizers includes water reclaimed from food processing or wastewater treatment facilities.)

Chemigation and fertigation systems must be installed according to state regulations, WAC 16-202-1001 and WAC 16-202-2002. The Department of Agriculture has a technical assistance program to assist individuals who chemigate and fertigate in protecting human health and the environment from the potential hazard of improper fertilizer and pesticide use. For more information see:

- <http://agr.wa.gov/PestFert/ChemFert/>
- <http://apps.leg.wa.gov/WAC/default.aspx?cite=16-202>

Air Quality Permits – Air quality permits regulate releases from industry that could contribute to an increase in air pollution and are issued by Ecology or a local clean air agency, depending on location. If a facility uses a boiler in its operations, such as for heating or CO<sub>2</sub> generation, that boiler could need a permit. See: <http://apps.oria.wa.gov/permithandbook/permitdetail.asp?id=108>

In addition, clean air agencies have the authority to regulate odors that “may unreasonably interfere with another property owner’s use or enjoyment of his property”, (WAC 173-400-040(5)). Facilities that receive odor complaints can be subject to fines or be required to add air filtration equipment.

To determine who regulates air quality in your region, see:

- [www.ecy.wa.gov/programs/air/local.html](http://www.ecy.wa.gov/programs/air/local.html)

*Tip: Contact the local clean air authority or Ecology before beginning operations to determine if any permit is needed for your operation. Before odor complaints occur, consider adding odor control technology to your building’s heating, ventilation and air conditioning system.*

Solid Waste Handling – The marijuana licensing rules require that marijuana wastes from indoor growing operations be rendered unusable by mixing with 50% other materials and ground before disposal or composting. These ground and mixed materials are considered “solid waste” by the state regulations and must be handled according to the state Solid Waste Handling Standards (WAC 173-350) and the requirements of the marijuana licensing rules.

Solid waste regulatory oversight is the responsibility of county health districts (sometimes called “environmental health”). Producers should work with their health district to determine proper disposal of solid wastes.

*Tip: Determine how you want to handle your solid waste before beginning operations. Be prepared to discuss the following with your local health district (be as specific as possible):*

- *How much waste will you have?*
- *What you will be mixing the marijuana waste with to render it unusable?*
- *How, where and for how long will marijuana waste be stored?*
- *Where will the unusable marijuana waste be sent and who will be transporting it?*
- *Are you planning to compost marijuana waste on-site?*

To find local health districts see:

[www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx](http://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx)

Hazardous Waste Management – Waste pesticides and used mercury-containing bulbs, including high-intensity discharge bulbs (HID), may require special disposal.

- Mercury-containing bulbs: As of January 1, 2013, all mercury-containing lights must be recycled (RCW 70.275.080). For information see: [www.ecy.wa.gov/mercury/mercury\\_light\\_bulbs.html](http://www.ecy.wa.gov/mercury/mercury_light_bulbs.html)
- Waste pesticides: The WA State Department of Agriculture operates a waste pesticide collection program; <http://agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx>

*Tip: Waste pesticides may be accepted at your local hazardous waste collection facility and a list of commercial lamp recyclers can be found at: <http://apps.ecy.wa.gov/hwsd/> by searching under "Fluorescent Light and Ballast Management."*

#### **Do You Need Environmental Permits?**

Applicants are advised to consult with local and state authorities since permit requirements vary based on site- and process-specific conditions. This document is for reference purposes only. Your local permitting agency should be able to determine if you will need any environmental permits.

You can also contact the Department of Ecology in your region for more information and assistance. See [www.ecy.wa.gov/org.html](http://www.ecy.wa.gov/org.html)



# Washington State Liquor Control Board

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## Regulatory/Permitting Guidance for Greenhouse Marijuana Producers

In addition to the requirements of the Washington State Liquor Control Board (WSLCB), marijuana producers applying for licenses under Initiative 502 (I-502) may be subject to additional local, state and regional regulations.

These additional regulatory requirements may have separate timelines and costs from the WSLCB process. They can include environmental permitting<sup>1</sup>, land-use regulations (zoning), business licensing and building/fire codes.

*Note: This fact sheet is for informational purposes only. It is intended to help marijuana producers be aware of local, state and/or regional requirements they may need to meet. For more technical information, contact the local, state and regional regulatory authorities listed below. WSLCB staff cannot answer permitting questions.*

## Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions (except for the 1,000 foot buffer zone mandated by I-502). Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural although local authorities may develop marijuana-specific zoning. Make sure local zoning allows your proposed use before committing to a location.

Local governments may also have their own business licensing requirements. They also administer building, fire, electrical, mechanical, energy and plumbing codes. If you plan to make any changes to the structure or use of your building, you may need a permit.

*Tip: Many local governments offer a "pre-application" meeting where you can learn what local permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department, and ask for their help. It could save you time and money.*

**State Environmental Policy Act (SEPA)** – SEPA is not a permit; it is an environmental review process which helps governments make decisions about permits and other actions. The WSLCB completed a SEPA review for the rules governing marijuana licensing. Individual producer operations may also have to undertake SEPA reviews. Local permitting agencies will determine if it is necessary.

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes such as wastewater and solid waste disposal, CO<sub>2</sub> use in the growing cycle, odors, etc. may be included. Additional guidance about SEPA can be found at:

- [www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html](http://www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html)

## State and Regional Environmental Permits and Regulations

There are a number of environmental permits and regulations that may apply to greenhouse growing operations. These permits are generally administered by state or regional agencies unless a local jurisdiction has been delegated by the state to issue the permit.

**Water Quality Permits** – water quality permits address wastewater or stormwater discharged from a facility or leaving facility grounds. Drainage from greenhouses may require permits, depending on the environmental conditions of the greenhouse location, the content and amount of discharge water and the type of drainage system.

Several types of drainage systems can be used with greenhouses. Any system that drains to ground in any fashion – directly, drainage trenches, or infiltration trenches – may need a *State Wastewater Discharge Permit*. Land application of wastewater from greenhouses to cropland or other vegetation may also need a permit. Draining wastewater into surface water, including stormwater ditches, is not allowed.

*State Wastewater Discharge Permits* are issued by the state Department of Ecology (Ecology). For more information see:

- <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=20>

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<sup>1</sup> The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate and approval.

*Tip: Contact your local Ecology office to schedule a meeting to discuss your plans. Come prepared to describe the amount of water you will use, how much wastewater you will discharge, the wastewater composition and where the discharge will go. This will help regulators determine how to best assist you.*

**Construction Stormwater Permits** are also issued by Ecology. If you are considering building a new greenhouse, you may need this permit. They are required for activities that disturb one or more acres of land and that discharge stormwater into surface waters of the state. Smaller sites may also need a permit if they are part of a larger development that will disturb one acre or more. For more information see:

- <https://fortress.wa.gov/ecy/publications/publications/1010077.pdf>

**Chemigation and Fertigation Regulations** – Chemigation or fertigation refers to the application of fertilizers and/or pesticides through an irrigation water system. (Fertilizers can also include water reclaimed from food processing or wastewater treatment facilities.)

Chemigation and fertigation systems must be installed according to state regulations, WAC 16-202-1001 and WAC 16-202-2002. The Department of Agriculture has a technical assistance program to assist individuals who chemigate and fertigate in protecting human health and the environment, from the potential hazard of improper fertilizer and pesticide use. For more information see:

- <http://agr.wa.gov/PestFert/ChemFert/>
- <http://apps.leg.wa.gov/WAC/default.aspx?cite=16-202>

**Water Resource Regulations** – If a greenhouse will not be using a public water supply for irrigation water, a grower has four options to supply water to the plants: 1) Obtaining a water right permit; 2) Utilizing the water right permit exemption for small uses of water, 3) Obtaining water from a water purveyor such as an irrigation district or; 4) Relying on rainfall.

- A **Water Right Permit** from the state Department of Ecology (Ecology) is needed for ground water withdrawals over 5,000 gallons a day or any surface water withdrawal.
- A **Water Right Permit Exemption** is available for groundwater withdrawals (“exempt wells”) of no more than 5,000 gallons a day. This is considered a “small use” of water. Although this withdrawal does not need a permit, it is still subject to the same requirements as a permitted water right. Only one groundwater exemption is allowed for any one project, regardless of size.
- Rainwater collection systems are allowed in Washington without requiring a water right. They can be used to store water collected in wet seasons for later use. Groundwater from exempt wells can also be pumped to a rainwater collection system and stored until needed for beneficial use as long as the 5,000 gallon limit per day is not exceeded.

Collected rain or ground water can only be used on the same parcel from which it was captured. For more information about water rights and rainwater collection systems, see:

- [www.ecy.wa.gov/programs/wr/rights/water-right-home.html](http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html)
- [www.ecy.wa.gov/programs/wr/hq/rwh.html](http://www.ecy.wa.gov/programs/wr/hq/rwh.html)

*Tip: The average wait to obtain a Water Right Permit is fifteen years. The average wait to transfer a right is over five years. Ecology can help determine if a property has a water right, see: [www.ecy.wa.gov/programs/wr/rights/find\\_existing\\_wr.html](http://www.ecy.wa.gov/programs/wr/rights/find_existing_wr.html).*

**Air Quality Permits** – Air quality permits regulate releases from industry that could contribute to an increase in air pollution and are issued by Ecology or a local clean air agency, depending on location. If a greenhouse uses a boiler in its operations, such as for heating or CO<sub>2</sub> generation, that boiler could need a permit. For more information see:

- <http://apps.oria.wa.gov/permithandbook/permitdetail.asp?id=108>

In addition, clean air agencies have the authority to regulate odors that “may unreasonably interfere with another property owner’s use or enjoyment of his property” (WAC 173-400-040(5)). Facilities that receive odor complaints can be subject to fines or be required to add air filtration equipment.

*Tip: Contact the local clean air authority or Ecology before beginning operations to determine if any permit is needed for your operation. Before odor complaints occur, consider adding odor control technology to your building’s heating, ventilation and air conditioning system.*

To determine who regulates air quality in your region, see:

- <http://www.ecy.wa.gov/programs/air/local.html>

**Solid Waste Handling** – The marijuana licensing rules require that marijuana wastes from indoor growing operations be rendered unusable by mixing with 50% other materials and ground before disposal or composting. These ground and mixed materials are considered “solid waste” by state regulations and must be handled according to the state Solid Waste Handling Standards (WAC 173-350) and the requirements of the marijuana licensing rules.

Solid waste regulatory oversight rests with county health districts (sometimes called “environmental health”). Producers should work with their health district to determine proper disposal of solid wastes.

*Tip: Determine how you propose to handle your solid wastes before beginning operations. Be prepared to discuss the following with your local health district (be as specific as possible):*

- *What you will be mixing the marijuana waste with to render it unusable?*
- *If waste material is held before it is disposed of, where, how and for how long will it be stored?*
- *Do you plan to ship marijuana waste off site? If so, who will be hauling it and where will it go?*
- *Do you plan to compost marijuana waste on-site?*
- *If land-applying, where will that occur?*

*To find local health districts see:*

[www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx](http://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx)

**Hazardous Waste Management** – Waste pesticides and used mercury-containing bulbs, including high-intensity discharge bulbs (HID), may require special disposal.

- Mercury-containing bulbs: As of January 1, 2013, all mercury-containing lights must be recycled (RCW 70.275.080). For information see: [http://www.ecy.wa.gov/mercury/mercury\\_light\\_bulbs.html](http://www.ecy.wa.gov/mercury/mercury_light_bulbs.html)
- Waste pesticides: The WA State Department of Agriculture operates a waste pesticide collection program; <http://agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx>

*Tip: Waste pesticides may be accepted at your local hazardous waste collection facility and a list of commercial lamp recyclers can be found at: <http://apps.ecy.wa.gov/hwsd/> by searching under “Fluorescent Light and Ballast Management.”*

### **Do You Need Environmental Permits?**

Applicants are advised to consult with local and state authorities since permit requirements vary based on site- and process-specific conditions. This document is for reference purposes only. Your local permitting agency should be able to determine if you will need any environmental permits.

You can also contact the Department of Ecology in your region for more information and assistance. See <http://www.ecy.wa.gov/org.html>



# Washington State Liquor Control Board

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## Regulatory/Permitting Guidance for Marijuana Processor Operations

In addition to the requirements of the Washington State Liquor Control Board (WSLCB), marijuana producers applying for licenses under Initiative 502 (I-502) may be subject to additional local, state and regional regulations.

These additional regulatory requirements may have separate timelines and costs from the WSLCB process. They can include environmental permitting<sup>1</sup>, land-use regulations (zoning), business licensing and building/fire codes.

*Note: This fact sheet is for informational purposes only. It is intended to help marijuana processors be aware of local, state and/or regional requirements they may need to meet. For more technical information, contact the local, state and regional regulatory authorities listed below. WSLCB staff cannot answer permitting questions.*

## Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions (except for the 1,000 foot buffer zone mandated by I-502). Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural however local authorities may develop marijuana-specific zoning. Before committing to a location, make sure local zoning allows your proposed use.

Local governments may also have their own business licensing process. They also administer building, fire, electrical, mechanical, energy and plumbing codes. If you are planning to make any changes to the structure or use of your location, you may need a permit.

*Tip: Many local governments offer a "pre-application" meeting where you can determine what permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department and ask for their help. It could save you time and money.*

**State Environmental Policy Act (SEPA)** – SEPA is not a permit; it is an environmental review process which helps governments make decisions about permits and other actions. The WSLCB completed a SEPA review for the rules governing marijuana licensing. Individual processor operations may also have to undertake a SEPA review. Local permitting agencies will determine if it is necessary.

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes like wastewater disposal, solvent use and storage and hazardous waste disposal may be included, among other things. More information about SEPA can be found at:

- <http://www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html>

## State and Regional Environmental Permits and Regulations

There are a number of environmental permits and regulations that may apply to marijuana processing operations. These permits can be administered by state or regional agencies or a local jurisdiction, if it has been delegated by the state to issue specific permits.

**Hazardous Waste Management** – The marijuana licensing rules require that certain wastes from marijuana processing, extraction and quality assurance testing must be evaluated against the state's Dangerous Waste Regulations (WAC 173.303) to determine if they designate as dangerous wastes (DW).

Designation procedures are covered in WAC 173.303.070(3), WAC 173.303.090 and WAC 173.303.100. They include testing for ignitability and corrosivity, among other things. Wastes that are designated dangerous must be disposed of according to the DW regulations.

If your wastes are designated dangerous you could need to register as a Small, Medium or Large Quantity Generator of hazardous wastes. Small Quantity Generators are regulated by local health departments while Medium and Large Quantity Generators are regulated by the state Department of Ecology (Ecology).

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<sup>1</sup> The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate, and approval.

*Tip: Small Quantity Generators (SQG) have less regulations and requirements to meet than medium and large generators. If you generate 220 pounds or less of DW per month or 2.2 lbs or less of Extremely DW (Waste code WT01) per month you can qualify as an SQG.*

Local health departments (sometimes called "environmental health") can help you determine your generator status and the disposal requirements for your dangerous wastes. For more information see:

- <http://www.ecy.wa.gov/programs/hwtr/managewaste.html>
- <https://fortress.wa.gov/ecy/publications/publications/981252hwtr.pdf>
- <http://www.co.thurston.wa.us/health/ehhw/sqg.html>

Hazardous Materials Storage and Use – In most cases the local city or county Fire Marshal's office is responsible for overseeing the storage and use of hazardous/flammable materials. They will determine if a permit is needed for extraction processing.

If ethanol is used in the extraction process a permit is needed from the WSLCB. See RCW 66.20.010(2).

Solid Waste Handling – If the wastes from extraction activities do not designate as dangerous wastes, they are considered "solid waste" by the state and must be handled according to the state Solid Waste Handling Standards (Chapter 173-350 WAC) and the requirements of the marijuana licensing rules. The marijuana licensing rules require that these wastes be rendered unusable by mixing with 50% other ground materials before disposal or composting.

Solid waste regulatory oversight rests with county health districts. Processors should work with their health district to determine appropriate disposal of solid wastes.

*Tip: Be prepared to discuss the following with your local health district (be as specific as possible):*

- *How much waste will you have?*
- *What will the marijuana waste be mixed with to render it unusable?*
- *How, where and for how long will processing waste be stored?*
- *Where will the unusable marijuana waste be sent and who will be transporting it?*
- *Are you planning to compost marijuana waste on-site?*

Water Quality Permits – Water quality permits address wastewater or stormwater discharged from a facility or leaving facility grounds. Marijuana processors may need a permit to discharge if their wastewater contains solvents, chemicals, fats, oils, grease or contaminated water from steam or ice water processing.

Wastewater discharge permits can be issued by either Ecology or a local jurisdiction, such as King County, if it has delegated authority. For more information see:

- <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=20>
- [www.kingcounty.gov/environment/wastewater/IndustrialWaste/DischargeApprovalOverview.aspx](http://www.kingcounty.gov/environment/wastewater/IndustrialWaste/DischargeApprovalOverview.aspx)

*Tip: Come to your pre-application meeting prepared to describe how much wastewater you will discharge and the wastewater composition. This will help regulators decide if you need a discharge permit, an authorization or your discharge is exempt.*

Construction stormwater permits are issued by Ecology and are required for land-disturbing activities that disturb one or more acres of land and that discharge stormwater into surface waters of the state. Smaller sites may also need a permit if they are part of a larger development that will disturb one acre or more. If you are considering building a new facility, you may need this permit. For more information see:

- <https://fortress.wa.gov/ecy/publications/publications/1010077.pdf>

Air Quality Permits – Air quality permits regulate releases from industry that could contribute to an increase in air pollution. They are issued by Ecology or local clean air agencies depending on your location. The use of solvents in manufacturing or boilers in operations could require permits.

Clean air agencies also have the authority to regulate odors that "may unreasonably interfere with

another property owner's use or enjoyment of his property<sup>2</sup>." Facilities that receive odor complaints can be subject to fines or be required to add air filtration equipment.

*Tip: Contact your local air quality authority or Ecology before beginning operations to determine if you will need a permit for extraction processes. Before odor complaints occur, consider adding odor control technology to your building's heating, ventilation and air conditioning system.*

To determine which agency has jurisdiction for air quality permits in your region see:

<http://www.ecy.wa.gov/programs/air/local.html>

### **Do You Need Environmental Permits?**

Applicants are advised to consult with local and state authorities since permit requirements vary based on site- and process-specific conditions. This document is for reference purposes only. Your local permitting agency should be able to determine if you will need any environmental permits.

You can also contact the Department of Ecology in your region for more information and assistance. See <http://www.ecy.wa.gov/org.html>

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<sup>2</sup> WAC 173-400-040(5)