

Draft Ordinance Briefings

Marijuana Production, Processing and Stores

County Council:

March 17, 2020

Planning Commission:

March 20, 2020

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Briefing Purpose: Discuss Draft 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



Section 1.

Amends SJCC 18.20.130 “M” definitions.

Adopts State Definitions:

- Marijuana
- Marijuana processor
- Marijuana producer



New Footnotes

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

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

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

New Footnotes

15. Marijuana production may be indoor or outdoor.
16. Max SQ FT used for production cannot exceed the amount licensed by the State.
17. Marijuana processing is only allowed in RFF or AG resources to support a marijuana production operation on the same parcel.
18. Minimum lot sizes for marijuana production and processing:
 - Tier 1: One acre in RGU and RI. three acres in the RFF and Ag resource, and
 - Tier 2: Five acres in RGU and RI and ten acres in RFF and Ag resource.

New Footnotes

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

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

Performance Standards



Section 5: New standards

Production and processing - general.

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

Section 6. New Standards

Rural and AG resource land siting standards.

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

Section 7: Production/processing structures and outdoor production

- Lighting: Adjoining property, critical areas and public roads.
- Landscaping: SJCC 18.60.160 applies. Also requires Type A landscaping screen.
- State security requirements: Must be installed prior to occupation.
- Chemicals, industrial solvents, etc: identify on applications and site plans.
- Comply with water system requirements and waste disposal regulations.
- Comply with noise regulations. Muffle fan noise with best available technology.
- Shall use filters on exhaust air prior to dispersal.

Section 7: Production/processing structures and outdoor production

- Minimize odors using best management practices and technology.
- A mechanical engineer licensed in WA must design the odor control system.
- No odors detectable at, or beyond the property line, to cause public nuisance, threaten public health/safety, or infringe on neighboring properties. Use negative pressure techniques and air locks in the systems.
- Minimize impacts to roads in rural and natural resource.
- Condition permits to require continuing maintenance or installation of improvements before occupancy if volumes > ten trips per day.

New Section 8: Marijuana retailers.

- The use of one State retail license is allowed per parcel.
- Retail sales is prohibited outdoors.
- Marijuana stores shall not be greater than 2,500 square feet.
- The proposed use of each room must be identified on site plans.
- No final occupancy before State license is issued.

Public Comments

- **Lisa and Rex Guard:** Live next to grow facility that uses hoop structures. Have fan noise and odor issues, do not want expansion.
- **Juliene Gschwend:** Agrees with regulations.

Public Participation

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

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

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

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

Project Benchmarks: Work Plan from Resolution 34 - 2019

2020

March: Brief Council /Planning Commission

March 24: Renew Moratorium

Expedite rest of schedule if possible:

April ~~June~~: Finalize public hearing draft, SEPA, 60-day notice

~~June~~: Planning Commission public hearing

~~July-Aug~~: Council briefings and public hearing

~~September~~: Adopt

Questions

