



# SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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## MEMO

**MEMO DATE:** June 3, 2020  
**TO:** San Juan County Planning Commission  
**FROM:** Linda Kuller, AICP, Planning Manager, DCD   
**SUBJECT:** Draft Ordinance Regarding the Regulation of Marijuana Production and Processing  
**HEARING:** July 17, 2020  
**ATTACHMENTS:**  
A. Draft Ordinance  
B. SEPA Checklist, Determination of Nonsignificance (DNS), Ecology Register and Proof of Publication  
C. WA Department of Commerce Acknowledgement of 60-day Notice of Intent  
D. Resolution 12-2020 Marijuana Moratorium

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**Hearing Purpose:** To take public testimony on an:

Ordinance Regulating Marijuana Production and Processing Facilities;  
Amending SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; and Adding New Sections

After taking public testimony, the Planning Commission may deliberate on the proposal and make a recommendation regarding its adoption to County Council.

**Ordinance Purpose:** The proposal is intended to:

1. Adopt specific definitions of marijuana production and processing in the County's development code.
2. Regulate marijuana production and processing as a specific use in the land use tables of the code.
3. Establish performance and siting standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility.

**Legal Review:** The Prosecuting Attorney reviewed the draft ordinance and recommended changes to the public hearing draft ordinance to increase clarity and implementation. These include:

- Making minor edits to the background section.
- Making non-substantial edits to the footers of the land use tables in Ordinance Sections 2, 3 and 4 for clarity including removal of the words indoor and outdoor which were deemed unnecessary.

- Clarifying stipulations for actions that are required prior to issuance of the County’s occupancy permit.
- Deleting unnecessary sentences in the introduction to New Section 5:
 

Marijuana producers and processors must comply with Title 69 RCW and Chapter 314-55 WAC and the general standards below. ~~This section does not regulate activity prohibited under local, state or federal laws or rules. Any conflict with federal law is unintended.;~~
- Splitting item D into two items, D and E.
- Revising new Section 7 for consistency with similar provisions in the Unified Development Code. The intent is consistent with the UDC style:
 

Unless specifically provided otherwise, if the provisions of those standards conflict with other applicable state or local policies, subarea plans, or other regulations, the most restrictive regulation controls.
- Providing the process for obtaining a landscaping modification in new Section 7, Item B.
 

B. The landscaping requirements of SJCC 18.60.160 apply. In addition, a Type A landscaping screen described in SJCC 18.60.160(D)(1) is required to surround indoor production or processing facilities and outdoor production operations. The landscaping screen shall be located outside of the State’s required security fence to provide a visual barrier. Upon submittal of a written request, the director may authorize modifications to the landscaping requirements of this section and may place conditions on a permit as needed to accommodate the modification. When considering the request for a landscape modification the director may consider:

  1. Physical circumstances or constraints of the property and surrounding area such as site topography and soils;
  2. Alternative plants and trees that would accomplish the purposes of the required landscaping;
  3. Flexibility in the size of initial plantings;
  4. Existing vegetative buffers or physical barriers that meet the intent of the Type A landscaping; and
  5. The need for the landscaping based on existing uses and development.
- Expanding the methods of muffling noise to be more specific in new Section 7, Item F:
 

F. Producers and processors shall comply with Chapter 9.06 SJCC. Fan noise from their operations shall be muffled using standard industry practices such as installing fans with components listed by Underwriters Laboratories (UL) and a combination of the following techniques and components:

  1. Short and straight line vent runs;
  2. Silencers and insulated vents, vent sleeves and mufflers;
  3. Acoustic ducting;
  4. Fan speed controllers;

5. Soundproofing boxes;
  6. Sound muffling casing;
  7. Padded foam cushions under the fans;
  8. Intelligent programming motors and controllers; and
  9. Hanging fans hung from bungee cords from hooks in ceiling.
- Deleting a requirement in new Section 7, Item H because it would be difficult to implement:

~~The engineer shall demonstrate in the application that the systems will not emit odors detectable at or beyond the property line in a concentration or duration that will cause a public nuisance, threaten public health or safety, or infringe upon the use of neighboring properties.~~

- Expanding the methods of addressing odors to be more specific in new Section 7, Item H:

H. Producers and processors shall minimize the odors emitted from structures by using best management practices and technology. A mechanical engineer licensed in the State of Washington shall design the odor control system and consider guidance from the National Air Filtration Association. The odor control plan must incorporate a combination of the following site design practices, tools, or other newly improved technologies to mitigate odors:

1. Placement of operations after consideration of predominant wind directions;
2. Installation of additional vegetative buffers around grow areas;
3. Reduction of passive odor escapes by tightening and sealing structures;
4. Use of negative pressure techniques and air locks to reduce odors from escaping when doors open;
5. Use of chillers that move water around structure and leave air in place instead of air conditioning;
6. Installation of a carbon filter scrubbers to heating, ventilation and air conditioning systems;
7. Installation of dry vapor systems;
8. Installation of ionizers;
9. Use of mini-vapor screens on the interior, and vapor matic and vapor screens on the exterior of structures;
10. Installation of a piping system on perimeter fencing that neutralizes malodorous molecules;
11. Installation of a gas phase filtration system; and
12. Installation of a fog system to disperse mixed water and odor neutralizing chemicals.

- Expanding the standard for minimizing traffic impacts in new Section 7, Item I, to provide a threshold for trips on private and public roads. For private roads, low impact would be allowed and for public roads, medium impact would be allowed. This is based on SJCC 19.80.090 Permit procedures for provisional and conditional uses.

Impact Parameter	Level of Impact <sup>(1)</sup>		
	Low	Medium	High
Passenger vehicle trips generated/day <sup>(6)</sup>	5 round trips	6 to 19 round trips	20 or more round trips
Vehicle type (gross vehicle weight = GVW) using road	< 10,000 pounds GVW	< 20,000 pounds GVW	≥ 20,000 pounds GVW

**State Environmental Policy Act (SEPA):** The County issued a Determination of Non-significance (DNS) on April 1, 2020 publishing it in the Journal of the San Juan Islands and The Island’s Sounder. The SEPA environmental checklist and DNS were transmitted to federal, state and local agencies in accordance with SJCC 18.80.050 and WAC 197-11-340. On April 1, 2020, the Washington State Department of Ecology published notice of the SEPA determination on their SEPA Register under No. 202001780.

The changes to the draft ordinance make it more protective of the environment and are consistent with the SEPA determination in the DNS.

**WA State Department of Commerce (Commerce):** County staff submitted a sixty-day notice regarding the potential adoption of amendments to the County’s development regulations to Commerce on March 31, 2020, in compliance with RCW 36.70A.106. Commerce acknowledged receipt of the sixty-day notice and identified it as Submittal ID No. 2020-S-1326 on March 31, 2020.

**Ordinance Overview:** 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
- Performance standards are proposed for the General, AG and resources land designations.

**Ordinance Summary by Section:**

**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 designation 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 in fully enclosed and secure structures such as stick built buildings or an 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:

Tier 1: Less than two thousand square feet;

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

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

15. Applies to the Deer Harbor Hamlet HI-A and HI-B designations. Marijuana production and processing facilities 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</sup>, 16, 18</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 is allowed in:

- a. Fully enclosed and secure structures such as stick built buildings or opaque greenhouses with rigid walls, a roof and doors,
- b. Nonrigid translucent greenhouse or other structure, or
- c. In ground in an area 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 the proposed production tier and amount of square footage of 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 resources if it supports 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.

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* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>2</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>2</sup>	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

**Proposed footnote:**

<sup>2</sup> In the Eastsound Urban Growth Area and Subarea, marijuana production is allowed in fully enclosed and secure structures such as stick built buildings 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 proposed production tier and amount of square footage of 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.

See the discussion above regarding new Sections 5, 6 and 7.

**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.** Sections 1-8 of this ordinance shall be codified. SJCC 18.30.460 Tables 1-8 in section 4 of this ordinance shall each be codified as a separate code section.

## **Project Background:**

### State Law: Cannabis Production, Processing and Retailing

In November 2012, Initiative 502 (I-502) was passed by WA State voters. It amended Chapter 69.50 RCW and legalized recreational marijuana in Washington State. Initiative 502 authorized the licensing and regulation of marijuana production, distribution, and possession for persons over 21. The Washington State Liquor Control Board (WSLCB) enacted rules establishing procedures and criteria for the licensing of marijuana producers, processors and retailers, as well as the testing, advertising, packaging, and security of marijuana products. These rules are codified in Chapter 314-55 WAC. In later legislation, the WSCLB was changed to the Washington State Liquor and Cannabis Board.

### San Juan County Code

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

### Public Concerns

Recent concerns include environmental, land use and public safety impacts associated with marijuana production and processing. County Council found that these concerns are not addressed in San Juan County Code. The code does not include specific land use regulations and performance standards for such uses.

Concerned citizens believe that the lack of local regulation might result in incompatible land use, adverse impacts to rural character, natural resources and the public welfare. More specifically, the public suggested the need for marijuana regulations to address possible impacts related to:

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

**Performance Standards:** Marijuana Production and processing are emerging businesses. There are no specific industry standards for controlling odor and fan noise. There is a lot of information about what designs and types of equipment seem to work best. Every set up is different. After researching many articles about the best methods to control noise and ameliorate odors, the performance standards were revised to include an array of techniques and products. Some of the proposed setback requirements will also help to control odors from bothering neighbors.

For additional background, Underwriters Laboratories (UL), referenced in the proposed code is an organization that has been around for more than 100 years that sets standards for different product

categories and tests products to make sure they meet the standards. A UL Listing means that UL has tested representative samples of a product and determined that the product meets specific, defined requirements. These requirements are often based on UL's published and nationally recognized Standards for Safety.

Regarding marijuana noise, the following websites were helpful:

<http://happypotfarmer.com/reduce-noise-inline-fans-exhaust-marijuana-grow-rooms-tents>

<https://www.humboldtseeds.net/en/blog/how-reduce-unwanted-noise-growing-cannabis-indoors/>

[https://www.google.com/search?rlz=1C1GCEA\\_enUS744US744&q=soundproof+grow+tent&sa=X&ved=2ahUKewj\\_8v\\_WtdTpAhURo54KHZ6hBWgQ1QIoAHoECAwQAQ&biw=1024&bih=678&dpr=1.25](https://www.google.com/search?rlz=1C1GCEA_enUS744US744&q=soundproof+grow+tent&sa=X&ved=2ahUKewj_8v_WtdTpAhURo54KHZ6hBWgQ1QIoAHoECAwQAQ&biw=1024&bih=678&dpr=1.25)

Regarding marijuana odors, the following websites provided information about methods of controlling odor:

<https://www.cannabisbusinesstimes.com/article/does-your-business-stink/>

<https://www.cannabisbusinesstimes.com/article/neutralize-cannabis-odor-now/>

<https://www.rollingstone.com/culture/culture-features/inside-the-high-tech-solution-for-smelly-smelly-weed-630032/>

<https://www.surco.com/blog/cannabis-odor-control-systems/>

<https://www.surco.com/blog/cannabis-odor-control-systems/>

<https://www.nafahq.org/wp-content/uploads/Air-Filtration-and-IAQ-for-Indoor-Grow-Facilities.pdf>

<https://www.florencefilter.com/blog/news-1/post/cannabis-facilities-air-filtration-uv-c-air-disinfection-and-odor-removal-5>

**Moratorium:** Under the authority provided in RCW 36.70A.390 and RCW36.70.795, County Council established a marijuana moratorium. The latest renewal of the moratorium is in Resolution 12-2020 (Attachment D). It applies to new or pending applications for a building or occupancy permit, variance, conditional use or other development permit or approval for licensed marijuana production and processing. Under this moratorium, County departments cannot accept permit applications for marijuana production and processing as either consistent or complete. This moratorium will expire in September 2020 if not renewed.

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

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

**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 agriculture and regulates marijuana growing the same as agriculture.
- D. The County allows marijuana processing in commercial and industrial land use designations and retail sales of marijuana in land use designations that allow retail sales.
- 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. The County Council specifically desires to:
  - 1. Adopt specific definitions of marijuana production and processing in 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 I. The County Council provided direction on the development of marijuana production and  
2 processing regulations at their January 31, 2020 retreat.
- 3 J. County staff briefed the County Council and Planning Commission about the draft proposal  
4 on March 17, and 20, 2020.  
5
- 6 K. County staff completed the environmental and nonproject action checklists for the project  
7 in compliance with the State Environmental Policy Act (SEPA) and determined that the  
8 proposal would be unlikely to create significant adverse environmental impacts.  
9
- 10 L. County staff issued a Determination of Non-significance (DNS) on April 1, 2020 and  
11 published it in the Journal of the San Juan Islands and The Island's Sounder. County staff  
12 transmitted the environmental checklist and DNS to federal, state and local agencies in  
13 accordance with SJCC 18.80.050 and WAC 197-11-340.  
14
- 15 M. The Washington State Department of Ecology published notice of the SEPA determination  
16 on their SEPA Register under No. 202001780.  
17
- 18 N. County staff submitted a sixty-day notice regarding the potential adoption of amendments  
19 to the County's development regulations to the Washington State Department of  
20 Commerce (Commerce) on March 31, 2020 in compliance with RCW 36.70A.106.  
21
- 22 O. Commerce acknowledged receipt of the sixty-day notice and identified it as Submittal ID  
23 No. 2020-S-1326 on March 31, 2020.  
24
- 25 P. A XXX, 2020 Planning Commission public hearing was advertised in the Journal of the  
26 San Juan Islands and The Island's Sounder on XXXXX, 2020.  
27
- 28 Q. The Planning Commission held the duly advertised public hearing on XXXXXX,  
29 deliberated and recommended that the County Council should XXXX the ordinance.  
30
- 31 R. County staff briefed the County Council on the Planning Commission's recommendation  
32 regarding the proposal on XX XX, 2020.  
33
- 34 S. The County Council held a duly advertised public hearing on XX XX, 2020.  
35
- 36 T. The County Council deliberated on the ordinance and made the following findings:  
37
- 38 1. It is appropriate to establish specific regulations for marijuana production and  
39 processing operations.  
40
- 41 2. It is appropriate to establish specific siting and performance standards for marijuana  
42 production and processing operations to ensure that the County addresses potential land  
43 use compatibility issues and minimizes adverse impacts to rural character, natural  
44 resources and the public welfare.  
45

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

3  
4 **NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan County,  
5 State of Washington, as follows:

6  
7 **Section 1. SJCC 18.20.130 and Ordinance 11-2019 §7 are each amended to read**  
8 **as follows:**

9  
10 **18.20.130 "M" definitions.**

11  
12 "Maintenance agreement" means a written agreement between parties to physically maintain a  
13 facility for common use in a manner which conforms to standards of adequacy specified in such  
14 an agreement.

15  
16 "Maintenance and Repair, Normal."

17  
18 1. "Normal maintenance" includes those acts to prevent a decline, lapse, or cessation from  
19 a lawfully established condition.

20  
21 2. "Normal repair" means to restore a development to a state comparable to its original  
22 condition within a reasonable period after decay or partial destruction.

23  
24 Normal maintenance and repair do not include maintenance and repair that cause substantial  
25 adverse effects to shoreline resources or environment (WAC 173-27-040).

26  
27 "Manufacturing" means the mechanical or chemical transformation of materials or substances  
28 into new products, including the assembling of component parts, the creation of products, and  
29 the blending of materials, such as lubricating oils, plastics, resins, or liquors.

30  
31 "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a  
32 THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
33 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,  
34 or preparation of the plant, its seeds or resin. Marijuana is not an agricultural product. The term  
35 does not include:

36  
37 (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the  
38 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation  
39 of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized  
40 seed of the plant which is incapable of germination; or

41  
42 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp  
43 production under chapter 15.140 RCW.

44  
45 "Marijuana processor" means a person licensed by the Washington State Liquor and Cannabis  
46 Board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused

1 products, package and label marijuana concentrates, useable marijuana, and marijuana-infused  
2 products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and  
3 marijuana-infused products at wholesale to marijuana retailers.

4  
5 "Marijuana producer" means a person licensed by the Washington State Liquor and Cannabis  
6 Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana  
7 producers.

8  
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  
27 "Material change" means a measurable change that has significance for existing or proposed  
28 development or for the existing environment.

29  
30 "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's  
31 highest tide at a particular location over a period of 19 years. It is measured from the MLLW equals  
32 0.0 tidal elevation.

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

37  
38 "Midden" means an area of ancestral human use that consists of an ancient refuse heap.

39  
40 "Mine hazard" means an area of potential danger to persons or property due to past or present  
41 mineral extraction operations.

42  
43 "Mineral extraction" means the removal of naturally occurring materials from the earth for  
44 economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal,  
45 and various types of stone.

1 “Mineral resource lands” means those lands from which the commercial extraction of minerals  
2 (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have  
3 long-term commercial significance.  
4

5 “Mini-storage” means a structure or structures containing separate, individual, and private storage  
6 spaces of varying sizes leased or rented individually for varying periods of time.  
7

8 “Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or  
9 compensate for adverse impacts.  
10

11 “Mixed-use development” means a development with one or more mixed-use structures.  
12

13 “Mixed-use structure” means a building containing residential and nonresidential uses.  
14

15 “Mobile food vending unit” means a portable food or drink service vehicle.  
16

17 “Mobile home” means a structure that is (1) designed to be transportable in one or more sections;  
18 (2) built on a permanent chassis; (3) designed to be used as a dwelling unit, with or without  
19 permanent foundation; and (4) connected to the required utilities, including plumbing, heating,  
20 septic, and electrical systems (RCW 43.22.340).  
21

22 “Mobile home park” means a development with two or more improved pads or spaces with  
23 required improvements and utilities designed to accommodate mobile homes, according to  
24 RCW 59.20.030(4).  
25

26 “Monopole” means the type of antenna mount that is self-supporting with a single shaft, typically  
27 of wood, steel or concrete, and is self-supporting without guy wires.  
28

29 “Moorage” means any over-water facility for securing boats, including docks, piers, and mooring  
30 buoys, but excluding anchorage and dry boat storage.

31 “Mooring buoy” means a buoy used for vessel moorage that meets federal and state standards, is  
32 located waterward of the OHWM, and is permanently anchored to the sea or lake bed.  
33

34 “Mooring float” means a standalone float used for vessel moorage that meets federal and state  
35 standards, is located waterward of the OHWM, and is permanently secured to the sea or lake bed.  
36 Motel. See “hotel.”  
37

38 “Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered  
39 to provide facilities for human habitation, which include lodging, cooking, and sewage disposal,  
40 and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit  
41 constructed separately and affixed to a motor vehicle (RCW 46.04.305).  
42  
43  
44  
45  
46

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

3 **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).

**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>
<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
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	See Note 5						
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.
<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>	N	N	N	N	N	N	N	N
<u>Mining and mineral extraction activities</u>	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.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
Resource processing accessory to extraction operations	N	N	N	N	N	N	N	P.A.
<del>Mining and mineral extraction activities</del>	<del>N</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P.A.</del>
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.
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>
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							
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							
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							
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
Utility facilities	P/C							
<b>Utilities Uses</b>								
Utility substations	P/C							
Utility transmission lines	P/C							
Water storage tanks, community	P/C							
Water treatment facilities	P/C							
Unnamed utility uses	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	S	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 to  
3 occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the general  
4 regulations in SJCC 18.30.050 through 18.30.055 unless otherwise stated therein.  
5
- 6 2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water  
7 mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable  
8 provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the applicable provisions  
9 and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and  
10 regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit requirements.  
11
- 12 3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations for  
13 certain land areas and for uses that warrant specific recognition and management. For any land use or development  
14 proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district  
15 shall prevail over any conflicting provisions of the UDC.  
16
- 17 4. Activity center and subarea plans provide alternative and more specific policies and regulations for some areas.  
18 In case of conflict, the regulations of the activity center or subarea plan shall prevail.  
19
- 20 5. Special provisions for uses within master planned resort activity centers are described in SJCC 18.30.060; see  
21 also SJCC 18.60.190 and 18.90.060.  
22
- 23 6. An MPR includes short-term visitor accommodations that are associated with the recreational facilities of the  
24 resort. An MPR may also include other permanent residential uses, conference facilities, and commercial activities  
25 supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature  
26 of the resort. It is incumbent on the master plan or plan amendment proponent to provide the information supportive  
27 of such a determination. Also see SJCC 18.30.060, 18.60.190, and 18.90.060.  
28
- 29 7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it  
30 through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and  
31 meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park the  
32 allowable uses would be indicated by the row "Single-Family Residential Unit."  
33
- 34 8. Forest practices (including timber harvesting), except for Class IV General (see  
35 SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.  
36

1 9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located  
2 within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory  
3 dwelling unit in addition to the main residence.

4  
5 10. To minimize commercial developments in residential neighborhoods, in lands designated HR and VR, wireless  
6 facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming structure  
7 and cannot be the primary land use.

8  
9 11. Agricultural activities are allowed except for “agricultural processing, retail and visitor serving facilities for  
10 products” in VR and HR.

11  
12 12. Though a project permit is not required, facilities are subject to the requirements for joint use wireless facilities  
13 found in Chapter 18.40 SJCC.

14  
15 13. Marijuana production and processing must be conducted in fully enclosed and secure structures such as a stick  
16 built building or an opaque greenhouse with rigid walls, a roof, and doors.

17  
18 14. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington  
19 State Liquor and Cannabis Board. Applicants must designate the proposed production tier and the amount of square  
20 footage of proposed plant canopy on their land use and building permit application plans. The marijuana production  
21 tiers and canopy limits are:

22  
23 Tier 1: Less than two thousand square feet;

24  
25 Tier 2: Two thousand square feet up to ten thousand square feet; and

26  
27 Tier 3: Ten thousand square feet up to thirty thousand square feet.

28  
29 15. Applies to the Deer Harbor Hamlet HI-A and HI-B designations. Marijuana production and processing facilities  
30 are prohibited in Olga Hamlet designations.

31  
32 **Section 3. SJCC 18.30.040 and Ordinance 25-2012 §8 are each amended to read**  
33 **as follows:**

34 **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

<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>
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						

<b>Agricultural and Forestry Uses</b>									
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 to  
3 occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the general  
4 regulations in SJCC 18.30.050 through 18.30.055 unless otherwise stated therein.  
5
- 6 2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water  
7 mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable  
8 provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the applicable provisions  
9 and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and  
10 regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit requirements.  
11
- 12 3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations for  
13 certain land areas and for uses that warrant specific recognition and management. For any land use or development  
14 proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district  
15 shall prevail over any conflicting provisions of the UDC.  
16
- 17 4. Special provisions for uses within conservancy and natural land designations are described in SJCC 18.30.070.  
18
- 19 5. "Historic": In several isolated cases an existing use that would be made nonconforming by this UDC is considered  
20 desirable to allow to continue and possibly to expand. Because this might be difficult or prohibited if the use were to  
21 become nonconforming, the use is labeled "historic," and the allowable use designation is indicated. See also the  
22 definitions in Chapter 18.20 SJCC.  
23
- 24 6. Restriction of mining and mineral extraction and related resource processing in RI shall not preclude consideration  
25 of an application for redesignation as a mineral resource lands overlay district. "Existing" means operating at the time  
26 of the adoption of this code.  
27
- 28 7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it  
29 through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and  
30 meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park the  
31 allowable uses would be indicated by the row "Single-Family Residential Unit."  
32
- 33 8. Forest practices (including timber harvesting), except for Class IV General (see  
34 SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.

1 9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and  
2 located within or attached and subordinate to the commercial or industrial structure. The unit may not include an  
3 accessory dwelling unit in addition to the main residence.  
4

5 10. Though a project permit is not required, these facilities are subject to the requirements for joint use wireless  
6 facilities found in Chapter 18.40 SJCC.  
7

8 11. The use of the Port Stanley School for artistic, scientific, historic, museum or educational purposes or  
9 community gatherings or meetings (as provided by RCW 84.36.060) is allowed by permit.  
10

11 12. Properties with existing conditional use permits for recycling centers may apply for a new conditional use  
12 permit to expand the allowable uses to include recycling collection and/or processing.  
13

14 13. To minimize commercial developments in residential neighborhoods, in lands designated RR and RFF with  
15 lots of less than five acres in size, wireless facilities other than joint use wireless facilities must be permitted by the  
16 use table and accessory to a legal conforming or nonconforming structure and cannot be the primary land use.  
17

18 14. In AG resource designations wireless facilities shall be located, designed and operated so as to minimize  
19 interference with agricultural uses and the open, uninterrupted, pastoral viewscapes.  
20

21 15. Marijuana production is allowed in:  
22

- 23 a. Fully enclosed and secure structures such as stick built buildings or opaque greenhouses with rigid walls, a  
24 roof and doors.
- 25 b. Nonrigid translucent greenhouses or other structures, or
- 26 c. In ground in an area fully enclosed by a physical barrier.  
27

28  
29  
30 16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the  
31 Washington State Liquor and Cannabis Control Board. Applicants must designate the proposed production tier and  
32 amount of square footage of plant canopy on land use and building permit application plans. The marijuana  
33 production tiers and canopy limits are:  
34

- 35 d. Tier 1: Less than two thousand square feet;
- 36 e. Tier 2: Two thousand square feet up to ten thousand square feet; and
- 37 f. Tier 3: Ten thousand square feet up to thirty thousand square feet.  
38

39  
40  
41 17. Marijuana processing is only allowed on a parcel designated RFF or AG resources if it supports a marijuana  
42 production operation on the same parcel.  
43

44 18. The following minimum lot sizes apply to marijuana production and processing operations:  
45

- 46 a. Tier 1: One acre in the RGU and RI and three acres in the RFF and AG resource designations, and
- 47 b. Tier 2: Five acres in the RGU and RI and ten acres in the RFF and AG resource designations.  
48

49  
50  
51  
52  
53  
54

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

3 **18.30.460 Eastsound subarea land use regulations.**  
4

5 A. The following land use districts are based on existing land use patterns, natural features, and  
6 land capabilities, coordination with the Shoreline Master Program, and the needs and desires of  
7 the Orcas community as expressed in the goals and policies of the subarea plan. The districts are:  
8

- 9           1. Village commercial‡ (minimum four – maximum 40 units/acre);
- 10
- 11           2. Village residential/institutional‡ (minimum four – maximum 12 units/acre);
- 12
- 13           3. Service and light industrial‡;
- 14
- 15           4. Eastsound residential‡:
  - 16                   One unit/acre P\*;
  - 17
  - 18                   Two units/acre;
  - 19
  - 20                   Two units/acre P\*;
  - 21
  - 22                   Four units/acre P\*;
  - 23
  - 24                   Minimum four – maximum 12 units/acre;
  - 25
  - 26
- 27           5. Service park;
- 28
- 29           6. Marina (maximum six – eight units/acre);
- 30
- 31           7. Eastsound airport‡;
- 32
- 33           8. Country corner commercial;
- 34
- 35           9. Eastsound rural residential‡:
  - 36                   One unit/five acres;
  - 37
  - 38                   One unit/two acres;
  - 39
  - 40
- 41           10. Eastsound rural (maximum one unit/five acres);
- 42
- 43           11. Natural; and
- 44
- 45           12. Conservancy overlay.

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

3  
4 Residential density designations with a “P\*” indicate those locations where site planning is  
5 required under SJCC 18.60.240. This planning is necessary to ensure that development at less than  
6 four units per acre density will not preclude possible future development at urban-level densities  
7 (four units per acre or higher). New residential development in such areas is subject to approval  
8 by the director for this purpose.

9  
10 Retail sales, laundries and laundromats, equipment rentals, restaurants, and post offices are  
11 prohibited in the portion of the village commercial district described as follows: between High  
12 School and Rose Streets and east of Pine Street and all areas east of Madrona Street.

13  
14 Uses that are prohibited in the land use table may be allowed as a cottage industry or home  
15 occupation; provided, that the use meets the requirements set forth in SJCC 18.40.190 and  
16 SJCC 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use  
17 instead of a specific type of use.

18  
19 The following tables which show allowed and prohibited uses are followed by the development  
20 standards and specific development conditions that apply to each land use district.  
21



**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
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

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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
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

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Residential Care Facilities with up to 8 Persons	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO
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 business requiring	NO	YES (only if related to other allowed	PROV	YES (planes and related	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 <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/ Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	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	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
			substantial storage or products manufactured in same facility)		uses or business requiring substantial storage or products manufactured in same facility)		products only)				
Artisan Activities	YES	NO	CUP	NO	CUP	NO	NO	NO	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‡ 1 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
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
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**

<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>
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
Garbage and Solid Waste Transfer Stations	NO	NO	CUP	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>
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 storage to be screened)	NO	YES (Enclosed by building – outside storage to be screened)	NO	YES	CUP	NO	NO	NO
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
<u>Marijuana Production and Processing, Tiers 1 and 2<sup>2</sup></u>	<u>CUP</u>	<u>NO</u>	<u>CUP</u>	<u>NO</u>	<u>CUP</u>	<u>NO</u>	<u>NO</u>	<u>CUP</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
<u>Marijuana Production and Processing, Tier 3</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

**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>
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 Extraction Operations	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>
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
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

**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>
Storage and Treatment of Sewerage, Sludge and Septage – Lagoon Systems	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
Unnamed Industrial Uses	NO	NO	CUP	NO	NO	NO	CUP	NO	NO	NO	NO

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.  
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4 <sup>2</sup>In the Eastsound Urban Growth Area and Subarea, marijuana production is allowed in fully enclosed and secure structures such as stick built buildings or opaque greenhouses with  
5 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.  
6 Applicants must designate the proposed production tier and amount of square footage of plant canopy on land use and building permit application plans. The marijuana production  
7 tiers and canopy limits are:

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- (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.

**Table 3 – Allowed Institutional Uses by Eastsound Land Use District**

<b>Institutional 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 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
College or Technical School/Adult Education Facility	YES	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Community Club or Community Organization	YES	YES	NO	YES	NO	CUP	NO (YES if related to aviation)	YES	YES	NO	NO

**Table 3 – Allowed Institutional Uses by Eastsound Land Use District**

<b>Institutional 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‡ P* 1 unit/acre 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>
Assembly Facility											
Cultural Facility	YES	YES	NO	NO	NO	NO (YES if nautical)	NO (YES if related to aviation)	NO	NO	NO	YES
Emergency Services	YES	YES	YES	YES	YES	YES	YES	P/C	YES	YES	NO
Government Offices	YES	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Institutional Camps	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Library	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

**Table 3 – Allowed Institutional Uses by Eastsound Land Use District**

Institutional Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 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
Museum	YES	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO (YES if directly related to site)
Post Office	YES <sup>2</sup>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Religious Assembly Facility	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
School, Primary and Secondary	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Unnamed Institutional Uses	CUP	CUP	NO	NO	CUP	CUP	CUP	NO	NO	NO	NO

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.

3 <sup>2</sup>This use prohibited within that portion of the village commercial district described as follows: between High School and Rose Streets and east of Pine Street, and all areas east  
4 of Madrona Street.

**Table 4 – Allowed Recreational Uses by Eastsound Land Use District**

Recreational 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
Camping Facilities in Public Parks	NO	NO	NA	NO	NA	NO	NA	NO	NO	NO	NO
Indoor Recreation Facilities	YES	YES	YES	NO	YES	YES	NO	CUP	NO	NO	NO
Outdoor Recreation Developments	YES	CUP	NO	NO	YES	YES	YES	CUP	NO	YES	YES

**Table 4 – Allowed Recreational Uses by Eastsound Land Use District**

Recreational 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 (1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Parks	YES	YES	YES	PROV	NO	YES	NO	PROV	PROV	YES	YES (no camping or playing fields)
Playing Fields	YES	YES	YES	PROV	NO	YES	NO	CUP	PROV	YES	NO
Recreational Vehicle Parks	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO
Outdoor Shooting Ranges	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO

**Table 4 – Allowed Recreational Uses by Eastsound Land Use District**

Recreational 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
Unnamed Recreational 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.

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**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

<b>Residential 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‡ P* 1 unit/acre 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>
Cottage Enterprise	YES	PROV	NO	YES	YES	YES	NO	P/C	YES	YES	NO
Farm Labor Accommodations for Persons Employed in Agricultural Production on the Premises	NO	YES	NO	YES	NO	NO	NO	CUP	YES	YES	NO
Farm Stay	NO	YES	NO	YES	NO	NO	NO	NO	YES	CUP	NO
Home Occupation	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	NO

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

<b>Residential 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‡ P* 1 unit/acre 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 (1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Mobile Home Parks	NO	CUP	NO	CUP	NO	NO	NO	NO	CUP	CUP	NO
Multifamily Residential Units (3+ Units)	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO
Single-Family Residential Unit	YES	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO
Accessory Dwelling Unit (1 Unit per Lot; Accessory to an Allowable Use)	YES	YES	YES (only 1 per lot and only within the commercial structure)	YES	YES	YES	NO	YES	YES	YES	NO

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

<b>Residential 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 P* 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>
Two-Family Residential (Duplex)	YES	YES	NO	YES	NO	YES	NO	NO	YES	NO	NO
Group Housing	YES	YES	NO	CUP	NO	NO	NO	NO	CUP	CUP	NO
Vacation Rental of Residence or Accessory Dwelling Unit	YES	PROV	NO	PROV	NO	PROV	NO	NO	PROV	PROV	NO
Rural Residential Cluster Development	NO	NO	NO	NO	NO	NO	NO	NO	YES in Eastsound rural residential 1 unit per 5 acres.	YES	NO

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

<b>Residential 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‡ P* 1 unit/acre 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 (1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
									No in ERR 1 unit per 2 acres		
Unnamed Residential Uses	CUP	CUP	CUP	CUP	CUP	CUP	NO	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.

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

Transportation 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* 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
Airfields	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
Airports	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
Airport Related Uses	NO	NO	YES	NO	NO	YES (Except sales and repair of planes)	YES (including parking and tie down areas)	NO	NO	NO	NO
Airstrips	NO	NO	NO	NO	NO	N/A	YES	NO	NO	NO	NO
Hangars	NO	NO	YES	NO (YES on property adjacent to	NO	NO (YES on property adjacent	YES	NO	NO	NO	NO

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

Transportation 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
				existing runway and/or have deeded access)		to existing runway and/or have deeded access)					
Helipads	NO	NO	CUP	NO	NO	NO	YES	NO	NO	NO	NO
Helipads, Emergency Services	NO	NO	YES	NO	YES	YES	YES	NO	NO	NO	NO
Ferry Terminal	CUP	NO	CUP	NO	NO	YES	YES	N/A	NO	NO	NO

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

Transportation 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
Parking Off-Site	YES	YES	YES	NO	YES	YES	YES	N/A	NO	NO	NO
Parking On-Site	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	NO
Parking Lots, Commercial	YES	CUP	YES	NO	YES	YES	YES	CUP	NO	NO	NO
Parking Structures	CUP	NO	YES	NO	YES	CUP	CUP	CUP	NO	NO	NO
Streets, Public and Private	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Trails and Paths, Public	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

<b>Transportation 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 P* 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>
Unnamed Transportation Uses	CUP	CUP	CUP	CUP	CUP	CUP	YES	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.

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities 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 (1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Commercial Communication Facilities	CUP	NO	YES	NO	NO	NO	YES	NO	NO	NO	NO
Commercial Power-Generation Facilities	NO	NO	NO	NO	YES	NO	YES	NO	NO	NO	NO
Solar Panels	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Community Sewerage Treatment Facilities	NO	NO	YES	YES	NO	NO	YES	NO	NO	NO	NO

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/ Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	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	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
Storage and Treatment of Sewerage, Sludge and Septage – Systems Other Than Lagoons	NO	NO	YES	YES	NO	NO	YES	NO	YES	NO	NO
Utility Distribution Lines Water, Stormwater, Power, Cable TV, Data Transmission,	YES	YES	YES	YES	YES	YES	YES	YES	YES (NO sewer)	YES (NO sewer)	YES

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities 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 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Personal Wireless Facilities, Telephone, and Sewer											
Utility Facilities Including Storage, Maintenance, Service, Operations and Other Support Offices	CUP	YES	YES	NO offices YES storage and utility support buildings	YES	YES	YES	CUP	NO offices YES storage and utility support buildings	YES = up to 400 square feet (NO office or storage buildings)	YES (NO office or storage buildings)
Utility Substations	NO	NO	YES	YES	YES	YES	YES	NO	YES	YES	NO

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities 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 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Water Storage Tanks, Community	YES	YES	YES	YES	YES	YES	YES	P/C	YES	YES	NO
Water Treatment Facilities	NO	YES	YES	YES	YES	YES	YES	P/C	YES	YES	NO
Unnamed Utility 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

**Table 8 – Allowed Agricultural Uses by Eastsound Land Use District**

<b>Agricultural and Forestry 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>
Agricultural Processing, Retail, and Visitor-Serving Facilities for Products	YES	YES	YES	CUP	YES	YES	NO	YES/CUP	CUP	YES	NO
Agricultural Uses and Activities	YES	YES	NO	YES	YES	YES	NO	P/C	YES	YES	NO

**Table 8 – Allowed Agricultural Uses by Eastsound Land Use District**

<b>Agricultural and Forestry 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‡ P* 1 unit/acre 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>
Forest Practices, No Processing	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO
Lumber Mills, Portable	NO	NO	YES	NO	CUP	NO	NO	NO	NO	YES	NO
Nurseries	YES	CUP	YES	NO	YES	NO	YES	NO	NO	YES	NO
Agricultural Sales	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
Small-Scale Slaughterhouses	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO

**Table 8 – Allowed Agricultural Uses by Eastsound Land Use District**

<b>Agricultural and Forestry 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>
Unnamed Agricultural and Forestry 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.

3  
4

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

3  
4           **Marijuana production and processing - general.**

5  
6 Marijuana producers and processors must comply with Title 69 RCW and Chapter 314-55 WAC  
7 and the general standards below.

8  
9           A.     On parcels located outside of UGAs, only one Washington State Liquor and Cannabis  
10 Board (WSLCB) marijuana license may be used.

11  
12           B.     The WSLCB must approve a marijuana license for the subject property prior to issuance  
13 of the County's certificate of final occupancy for buildings proposed for marijuana production or  
14 processing.

15  
16           C.     For purposes of Title 18 SJCC, marijuana is not an agricultural product. Title 18 SJCC  
17 and other County agricultural regulations and programs such as the voluntary stewardship program  
18 do not apply to marijuana production, processing, or retail sales.

19  
20           D.     Consistent with WAC 314-55-015, marijuana production and processing shall not take  
21 place in a residence or other location where law enforcement access, without notice or cause, is  
22 limited.

23  
24           E.     Marijuana production and processing are not allowed as home occupations or cottage  
25 industries.

26  
27           F.     Marijuana production and processing operations may not be located in critical areas and  
28 their buffers, or in shoreline jurisdiction.

29  
30           **Section 6. NEW SECTION.** A new section is added to SJCC Chapter 18.40 to read as  
31 follows:

32  
33           **Marijuana production and processing – rural and AG resource land siting standards.**

34  
35 The following siting standards apply to marijuana production and processing in the rural and AG  
36 resources land use designations.

37  
38           A.     In the AG resource designation, indoor marijuana production and processing is only  
39 allowed in structures existing or that have complete building permits vested on (effective date of  
40 this ordinance). The expansion of existing structures in these designations for the purpose of  
41 marijuana production or processing is prohibited.

42  
43           B.     Marijuana production (indoor or outdoor) and processing structures shall be set back three  
44 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 1. Was legally constructed, or
- 5 2. Has a building permit application that vested prior to the submittal of the complete  
6 conditional use permit application for a marijuana operation.  
7

8  
9  
10 **Section 7. NEW SECTION.** 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 marijuana production or processing, and outdoor production operations shall  
16 comply with the standards in Title 18 SJCC and this section. Unless specifically provided  
17 otherwise, if the provisions of those standards conflict with other applicable state or local policies,  
18 subarea plans, or other regulations, the most restrictive regulation controls.  
19

20 A. Fixtures illuminating production or processing operations shall direct light away from  
21 adjoining properties, critical areas and public roads consistent with SJCC 18.60.170 and Chapter  
22 18.35 SJCC.  
23

24 B. The landscaping requirements of SJCC 18.60.160 apply. In addition, a Type A landscaping  
25 screen described in SJCC 18.60.160(D)(1) is required to surround indoor production or processing  
26 facilities and outdoor production operations. The landscaping screen shall be located outside of  
27 the State's required security fence to provide a visual barrier. Upon submittal of a written request,  
28 the director may authorize modifications to the landscaping requirements of this section and may  
29 place conditions on a permit as needed to accommodate the modification. When considering the  
30 request for a landscape modification the director may consider:

- 31 1. Physical circumstances or constraints of the property and surrounding area such as site  
32 topography and soils;
- 33 2. Alternative plants and trees that would accomplish the purposes of the required  
34 landscaping;
- 35 3. Flexibility in the size of initial plantings;
- 36 4. Existing vegetative buffers or physical barriers that meet the intent of the Type A  
37 landscaping; and
- 38 5. The need for the landscaping based on existing uses and development.  
39

40 C. Producers and processors shall install the security requirements of WAC 314-55-083 prior  
41 to issuance of the County's occupancy permit for a marijuana operation.

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

6  
7 E. Permit applications shall include documentation of compliance with the water system  
8 requirements of SJCC 18.60.020 and waste disposal regulations in WAC 314-55-097, SJCC  
9 18.60.020 and Chapter 8.14 SJCC.

10  
11 F. Producers and processors shall comply with Chapter 9.06 SJCC. Fan noise from their  
12 operations shall be muffled using standard industry practices such as installing fans with  
13 components listed by Underwriters Laboratories (UL) and a combination of the following  
14 techniques and components

- 15 1. Short and straight line vent runs;
- 16 2. Silencers and insulated vents, vent sleeves and mufflers;
- 17 3. Acoustic ducting;
- 18 4. Fan speed controllers;
- 19 5. Soundproofing boxes;
- 20 6. Sound muffling casing;
- 21 7. Padded foam cushions under the fans;
- 22 8. Intelligent programming motors and controllers; and
- 23 9. Hanging fans hung from bungee cords from hooks in ceiling.

24  
25  
26  
27  
28  
29  
30  
31  
32 G. Producers and processors shall use filters on exhaust air prior to dispersal.

33  
34  
35 H. Producers and processors shall minimize the odors emitted from structures by using best  
36 management practices and technology. A mechanical engineer licensed in the State of Washington  
37 shall design the odor control system and consider guidance from the National Air Filtration  
38 Association. The odor control plan must incorporate a combination of the following site design  
39 practices, tools, or other newly improved technologies to mitigate odors:

- 40 1. Placement of operations after consideration of predominant wind directions;
  - 41 2. Installation of additional vegetative buffers around grow areas;
  - 42 3. Reduction of passive odor escapes by tightening and sealing structures;
- 43  
44  
45  
46

- 1
- 2 4. Use of negative pressure techniques and air locks to reduce odors from escaping when
- 3 doors open;
- 4
- 5 5. Use of chillers that move water around structure and leave air in place instead of air
- 6 conditioning;
- 7
- 8 6. Installation of a carbon filter scrubbers to heating, ventilation and air conditioning systems;
- 9
- 10 7. Installation of dry vapor systems;
- 11
- 12 8. Installation of ionizers;
- 13
- 14 9. Use of mini-vapor screens on the interior, and vapor matic and vapor screens on the exterior
- 15 of structures;
- 16
- 17 10. Installation of a piping system on perimeter fencing that neutralizes malodorous molecules;
- 18
- 19 11. Installation of a gas phase filtration system; and
- 20
- 21 12. Installation of a fog system to disperse mixed water and odor neutralizing chemicals;
- 22

23 I. Traffic impacts to public and private roads in the rural and natural resource land use designations  
24 shall be limited. Only traffic intensities identified as low level impacts in SJCC 18.80.090 Table  
25 8.2 shall be allowed on private roads. Only traffic intensities identified as having medium level  
26 impacts in SJCC 18.80.090 Table 8.2 shall be allowed on public roads. The administrator may  
27 consult with the County engineer and recommend permit conditions needed to address public road  
28 impacts such as requiring:

- 29
- 30 1. Continuing maintenance; or
- 31
- 32 2. Installation of road improvements prior to the County's issuance of an occupancy or
- 33 land use permit if traffic volumes will exceed ten trips per day from the operation.
- 34

35 **Section 8. Effective Date.**

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

37 **Section 9. Codification.**

38 Sections 1-8 of this ordinance shall be codified.

39 SJCC 18.30.460 Tables 1-8 in section 4 of this ordinance shall each be  
40 codified as a separate code section.  
41  
42  
43  
44  
45  
46

1 ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.  
2  
3

4  
5 ATTEST: Clerk of the Council  
6

**COUNTY COUNCIL**  
**SAN JUAN COUNTY, WASHINGTON**

7  
8  
9 \_\_\_\_\_  
Ingrid Gabriel, Clerk Date

10  
11 \_\_\_\_\_  
Rick Hughes, Chair  
District 2

12  
13 REVIEWED BY COUNTY MANAGER  
14

15  
16 \_\_\_\_\_  
Michael J. Thomas Date

17  
18 \_\_\_\_\_  
Bill Watson, Vice-Chair  
District 1

19 RANDALL K. GAYLORD  
20 APPROVED AS TO FORM ONLY  
21

22  
23 By: \_\_\_\_\_  
Date

24  
25 \_\_\_\_\_  
Jamie Stephens, Member  
District 3



**San Juan County Community Development & Planning**

135 Rhone Street, P.O. Box 947, Friday Harbor, WA 98250 | [cdp@sanjuanco.com](mailto:cdp@sanjuanco.com)  
 (360) 378-2354 | (360) 378-2116 | Fax (360) 378-3922 | [www.sanjuanco.com](http://www.sanjuanco.com)

**REQUEST FOR REVIEW**

Applicant Name and File # **PCODES-19-0001 Marijuana Regulations**

DATE: **April 1, 2020**

Please review and return written comments to [marijuanacomments@sanjuanco.com](mailto:marijuanacomments@sanjuanco.com) by **April 17, 2020**.

**Project website:** <https://www.sanjuanco.com/1585/Marijuana>

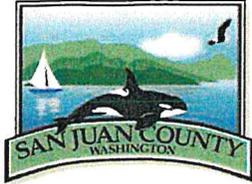
State Agencies	
	Dept. of Archaeology
x	Dept. of Agriculture – Kelly McLain
x	Dept. of Commerce
x	Dept. of Ecology/SEPA
x	Dept. of Ecology/Shoreline – Chad Yunge
x	Dept. of Fish and Wildlife – Marcus Reaves
x	Dept. of Fish and Wildlife - SEPA
	Dept. of Health – Kelly Cooper
	Dept. of Health - Shellfish
x	Dept. of Natural Resources – SEPA
x	Dept. of Natural Resources – NW Region
x	Dept. of Social & Health Services –Terri Sinclair-Olson
x	Dept. of Transportation Env Svcs – Roland Storme
x	Dept. of Transportation – Ferries – Robert Price
	Energy Facility Site Evaluation Council–Stephen Posner
x	Interagency Committee on Outdoor Recreation
x	Parks and Recreation Commission
x	Puget Sound Partnership
x	UW-Friday Harbor Labs, Director
x	UW-Real Estate Office, Property Rights Manager
x	Washington State Parks NW Region
Tribal Agencies	
	Lummi Historic Preservation Office
x	Lummi Natural Resources – Shoreline
x	Lummi Natural Resources - Biologist
	Lummi Cultural Resources
x	Samish Indian Nation – Jackie Ferry
x	Swinomish Tribal Commission – Tim Hyatt
x	Tulalip, Natural Resources
County Agencies	
	San Juan County Council
	San Juan County Planning Commission
x	San Juan County Prosecutor – Amy Vira
x	San Juan County Assessor
	San Juan County Community Development & Planning
x	Chief Building Official – Jason Hensel

County Agencies (Cont.)	
	San Juan Co PW County Engineer – Colin Huntemer
x	San Juan Co PW Project Engineer – Christine Coray
	San Juan County Health Dept – Kyle Dodd
	San Juan County Parks Dept – Dona Wuthnow
	San Juan County Dept of Emergency Management
x	San Juan County Fire Marshal – Richard Meyers
	Fire Districts (Indicate: #2, #3, #4, or all)
Town, Utilities, & Utility Districts	
x	Town of Friday Harbor – Mike Bertrand
	Eastsound Sewer District
	Eastsound Water Users
	Fisherman Bay Sewer District
	Fisherman Bay Water Association
	Washington Water Service Company
	OPALCO
	CenturyLink
Schools and Libraries	
x	School District: Lopez Orcas San Juan Shaw
x	Libraries: Lopez Orcas San Juan Shaw
Other	
x	San Juan Conservation District
	SJC Noxious Weed Control Board
	San Juan County Parks Board
x	Eastsound Planning Review Committee
x	Deer Harbor Plan Review Committee
	Lopez Village Plan Committee
x	Agricultural Resource Committee
x	San Juan County Land Bank – Lincoln Bormann
x	DCD Julie Thomson

Distribution completed by:

*Lynda Hensley*

Date: 3/31/2020



## SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250  
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922  
dcd@sanjuanco.com www.sanjuanco.com

### STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

**Proposal:** San Juan County proposes a SEPA nonproject action to adopt amendments to San Juan County Code (SJCC). The proposal is an ordinance regulating marijuana production and processing facilities, amending SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; and adding new code sections.

**Applicant:** San Juan County Department of Community Development

San Juan County, the lead agency for this proposal, determined that the proposal would not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required. Under WAC 197-11-340(2), a Determination of Nonsignificance (DNS) was issued on April 1, 2020. The County based this determination on a completed environmental checklist. The proposal would amend San Juan County Code to:

1. Adopt specific definitions of marijuana production and processing in Title 18 SJCC;
2. Regulate marijuana production and processing as a specific use; and
3. Establish performance and siting standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility.

Copies of the proposed changes to the San Juan County Code, SEPA DNS and associated documents are available on the San Juan County (SJC) Community Development (DCD), project website: <https://www.sanjuanco.com/1585/Marijuana>. For more information or to obtain copies of these documents, call Linda Kuller, Planning Manager, at (360) 370-7572 on business days between 8:00 a.m. and 4:30 p.m. Upon request, DCD will mail copies without charge.

Comments on this determination must be submitted by **4:30 p.m. April 17, 2020**, to Linda Kuller, AICP, San Juan County DCD, PO Box 947, Friday Harbor, WA, 98250, or [marijuanacomment@sanjuanco.com](mailto:marijuanacomment@sanjuanco.com). Email subject line: Comments on SJC Marijuana Ordinance SEPA.

Following a final decision on the ordinance, this determination may be appealed with the underlying action to Superior Court or State Boards as provided in RCW 36.70A, RCW 90.58, and RCW 36.70C. For appeals to the Growth Management Hearings Board, the appeal period is 60 days.

**Responsible Official:**

Erika Shook, AICP, Director   
Department of Community Development  
(360) 370-7571

**Date:** April 1, 2020

## SEPA ENVIRONMENTAL CHECKLIST

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

The help links in this checklist are intended to assist users in accessing guidance on the checklist questions. Links are provided to the specific sections of the guidance applicable to the questions. However, the links may not work correctly on all devices. If the links do not work on your device, open the guidance at [www.ecy.wa.gov/programs/sea/sepa/apguide/EnvChecklistGuidance.html](http://www.ecy.wa.gov/programs/sea/sepa/apguide/EnvChecklistGuidance.html) and navigate to the appropriate section.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

## A. Background

1. Name of proposed project, if applicable:

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

**Project webpage:** <https://www.sanjuanco.com/1585/Marijuana>

2. Name of applicant:

**San Juan County**

3. Address and phone number of applicant and contact person:

**San Juan County Department of Community Development  
Attn: Linda Kuller, AICP  
PO Box 947  
Friday Harbor, WA 98250  
360-370-7572**

4. Date checklist prepared: **March 24, 2020**

5. Agency requesting checklist: **San Juan County**

6. Proposed timing or schedule (including phasing, if applicable): **The proposed amendments are tentatively scheduled for a public hearing before the San Juan County Planning Commission on May 15, 2021. If current circumstances allow this schedule to proceed, County Council would hold a public hearing and take action on the ordinance in June 2021.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **None.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **None known.**

10. List any government approvals or permits that will be needed for your proposal, if known. **These amendments require review by the San Juan County Planning Commission and adoption by San Juan County Council.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is a nonproject proposal. 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. The proposal is intended to:

1. **Adopt specific definitions of marijuana production and processing in San Juan County Code Title 18.**
2. **Regulate marijuana production and processing as a specific use.**
3. **Establish performance and siting standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. **The amendments would apply to applicable projects proposed throughout the unincorporated County.**

#### **B. ENVIRONMENTAL ELEMENTS**

##### **1. Earth**

- a. General description of the site: **The lands of San Juan County are all islands and include a variety of terrain. There are flat and hilly lands, areas of steep slope, wetland areas, shorelines of statewide significance and unincorporated towns, villages and hamlets.**
- b. What is the steepest slope on the site (approximate percent slope)? **Various slopes are present in the unincorporated areas of San Juan County.**
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. **This question is not applicable to a nonproject action. The code amendment will not remove any soils.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **This question is not applicable to a nonproject action. The nonproject action affects the entire unincorporated County, there is no immediate vicinity.**
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **This question is not applicable to a nonproject action. The nonproject action affects the entire unincorporated County, there is no fill.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **This question is not applicable to a nonproject action. The nonproject action affects the entire unincorporated County. The nonproject code amendments will not generate any construction or clearing.**

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **This question is not applicable to a nonproject action. The nonproject action does not have a site or specific location.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **None. Amending the San Juan County Code does not have any impacts on the territory of San Juan County.**

## 2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **This question is not applicable to a nonproject action. No physical construction, operation or maintenance is associated with these code amendments.**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **This question is not applicable to a nonproject action. However, off-site odors and emissions are addressed in the proposed code amendments.**

c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None.**

## 3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **San Juan County has year round and seasonal streams, lakes, ponds, wetlands and saltwater bodies.**

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **The amendments are nonproject actions and not specific project activities.**

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **This question is not applicable to a nonproject action. No fill materials are associated with this proposal and nonproject action.**

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **This question is not applicable to a nonproject action.**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**This question is not applicable to a nonproject action.**

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No. This is a nonproject action that amends the regulations. The amendments will not involve the discharge of waste materials into surface waters.**

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **No. This is a nonproject action that amends development regulations.**
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **No waste materials will be discharged directly by this nonproject action.**

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **The nonproject action will not create any runoff.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **No.**
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **No. The ordinance will have no impact on any drainage pattern.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **None are proposed for the nonproject action.**

4. Plants

a. Check the types of vegetation found on the site: **This is not applicable to a nonproject action.**

The types are underlined:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation: \_\_\_\_\_

b. What kind and amount of vegetation will be removed or altered? **The question is not applicable.**

c. List threatened and endangered species known to be on or near the site. **The question is not applicable.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **The question is not applicable to this nonproject action. This is a project that effects the entire unincorporated County, there is no individual site.**

e. List all noxious weeds and invasive species known to be on or near the site. **Not applicable to this nonproject action. There is no individual site.**

## 5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. **Not applicable.**

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

**There is not a specific project site. This is not applicable.**

b. List any threatened and endangered species known to be on or near the site. **There is not a specific project site.so**

c. Is the site part of a migration route? If so, explain. **The San Juan Islands are part of the Pacific Coast Flyway.**

d. Proposed measures to preserve or enhance wildlife, if any: **None. This is a project that effects the unincorporated County, there is no individual site.**

e. List any invasive animal species known to be on or near the site. **There is not a specific project site so this is not applicable.**

## 6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **There is not a specific project site so this is not applicable.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No. This is a project that effects the unincorporated County, there is no individual site and therefore no adjacent properties.**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **The proposed code amendments do not require energy conservation features. This is not applicable to a nonproject action.**

## 7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **No there are no specific or general health hazards that could occur as a result of the amendments.**

- 1) Describe any known or possible contamination at the site from present or past uses. **This question is not applicable to a nonproject action.**
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. **This SEPA action does not apply to a specific project or design.**
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. **There are none related to this nonproject action, however, the proposed performance standards include provisions about the use of chemicals and solvents, etc.**

Describe special emergency services that might be required. **None.**

- 4) Proposed measures to reduce or control environmental health hazards, if any: **None. The nonproject action makes unrelated code corrections.**

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None.**
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **None.**
- 3) Proposed measures to reduce or control noise impacts, if any: **None.**

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. **This question is not applicable to a nonproject action.**
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? **This question is not applicable to a nonproject action. There is no single site.**
  - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: **This question is not applicable to a nonproject action.**

c. Describe any structures on the site. **This question is not applicable to a nonproject action.**

d. Will any structures be demolished? If so, what? **This question is not applicable to a nonproject action.**

e. What is the current zoning classification of the site? **This question is not applicable to a nonproject action.**

- f. What is the current comprehensive plan designation of the site? **This question is not applicable to a nonproject action. There is no single site.**
- g. If applicable, what is the current shoreline master program designation of the site? **This question is not applicable to a nonproject action. There is no single site.**
- i. Has any part of the site been classified as a critical area by the city or county? If so, specify. **This question is not applicable to a nonproject action. There is no single site.**
- j. Approximately how many people would reside or work in the completed project? **Not applicable. There is no single site and no specific structure will be built.**
- k. Approximately how many people would the completed project displace? **Not applicable. There is no single site and no displacement.**
- l. Proposed measures to avoid or reduce displacement impacts, if any: **Not applicable.**
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **These amendments include siting and performance standards to reduce incompatibility issues.**
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: **Not applicable.**

## 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **This proposal will not provide any housing.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None. This nonproject action will amend the regulations to provide development regulations.**
- b. Proposed measures to reduce or control housing impacts, if any: **None.**

## 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **This question is not applicable to a nonproject action.**
- b. What views in the immediate vicinity would be altered or obstructed? **This question is not applicable to a nonproject action, but the ordinance does address some landscape separation to provide visual barriers.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **None.**

## 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **This question is not applicable to a nonproject action.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No.**
- c. What existing off-site sources of light or glare may affect your proposal? **None. There is no single site.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **None. There is no single site. The ordinance does address lighting for all sites.**

## 12. Recreation

- a. *What designated and informal recreational opportunities are in the immediate vicinity?* **This question is not applicable to a nonproject action.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No. There is no single site.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **This question is not applicable to a nonproject action. There is no single site.**

## 13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. **This question is not applicable to a nonproject action. There is no single site.**
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. **This question is not applicable to a nonproject action. There is no single site.**
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. **This question is not applicable.**
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. **None. There is no single site.**

## 14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. **This question is not applicable to a nonproject action.**
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? **This question is not applicable to a nonproject action.**
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? **None.**
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). **This question is not applicable to a nonproject action.**

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **This question is not applicable to a nonproject action.**
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? **This question is not applicable to a nonproject action.**
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. **This question is not applicable to a nonproject action.**
- h. Proposed measures to reduce or control transportation impacts, if any: **This question is not applicable to a nonproject action.**

**15. Public Services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **No.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **None are needed.**

**16. Utilities**

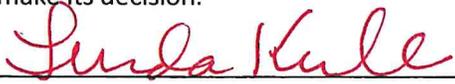
- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

**This question is not applicable to a nonproject action. There is no single site.**

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **This question is not applicable to a nonproject action. There is no single site.**

**C. Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of Signee: Linda Kuller, AICP

Position and Agency/Organization: Planning Manager, SJC Community Development

Date of Checklist: **March 24, 2020**

Issued/Published: **April 1, 2020**

#### **D. Supplemental sheet for nonproject actions**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

**There is no expected increase discharge to water; emission to air; production, storage, or release of toxic or hazardous substances; or production of noise. The proposed performance standards are intended to ameliorate nuisances.**

**Proposed measures to avoid or reduce such increases are provided in the proposed in the performance standards:**

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

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

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

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

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

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

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

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

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

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

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**The proposed code amendments will not adversely affect plants, animals, fish, or marine life.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

**The proposal does not allow marijuana production or processing in critical areas or their buffers. New construction projects must comply with local, state and federal environmental regulations. The San Juan County Comprehensive Plan and Unified Development Code contain policies and regulations the intent of which is to avoid, reduce and mitigate impacts to plants, animals, fish, or marine life, as well as to avoid, reduce and mitigate water pollution and stormwater runoff, air pollution, emission of toxic substances, and their impacts. Specific biological protection, pollution control and stormwater runoff measures are appropriate aspects of specific development permit applications. These concerns are addressed as part of the review of specific development project proposals.**

3. How would the proposal be likely to deplete energy or natural resources?

**The proposed amendments will not be likely to deplete energy or natural resources.**

Proposed measures to protect or conserve energy and natural resources are:

**The proposal does not allow marijuana production or processing in shoreline jurisdiction and critical areas or their buffers.**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

**As noted above, marijuana production and processing cannot be located in environmentally sensitive areas or areas.**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

**The proposed amendments do not allow the uses in shorelines or critical areas or their buffers.**

Proposed measures to avoid or reduce shoreline and land use impacts are:

**They will not allow or encourage land and shoreline uses that are incompatible with existing plans.**

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

**The proposal is unlikely to increase demands on transportation or public services and utilities. A proposed performance standard in Ordinance Section 9 addresses traffic impacts:**

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

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

Proposed measures to reduce or respond to such demand(s) are: **See above.**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**The proposed code amendments are consistent with State and Federal laws for the protection of the environment.**

# SAN JUAN COUNTY LEGAL NOTICES

San Juan County, as an Equal Opportunity Employer, does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in the provision of services, in programs or activities or employment opportunities and benefits. Direct Inquiries to Administrative Services at (360) 378-3878. TTD relay at 1-800-833-6388.

**NOTICE OF A SEPA DETERMINATION OF NONSIGNIFICANCE (DNS) ON A PROPOSED ORDINANCE REGARDING AMENDMENTS TO SAN JUAN COUNTY CODE TO REGULATE MARIJUANA PRODUCERS AND PROCESSORS TITLED: DRAFT ORDINANCE REGULATING MARIJUANA PRODUCTION AND PROCESSING FACILITIES; AMENDING S.U.C.C. 18.20.130, 18.30.030, 18.30.040, 18.30.060, AND ADDING NEW SECTIONS**  
San Juan County (SJC) issued a DNS on this SEPA nonproject action on April 1, 2020. The SEPA DNS comment deadline

is 4:30 p.m. April 17, 2020. For more information, please see the project webpage: <https://www.sanjuanco.com/1585Marijuana> or contact Linda Kuller, SJC Department of Community Development at (360) 370-7572. The proposal would amend San Juan County Code to:

1. Adopt specific definitions of marijuana production and processing in Title 18 S.U.C.C.;
2. Regulate marijuana production and processing as a specific use; and
3. Establish performance and siting

standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility. The environmental checklist, SEPA DNS and draft ordinance will be filed at the Department of Community Development (DCD), 135 Rhone Street, Friday Harbor, WA, and posted on the project webpage on April 1, 2020: <https://www.sanjuanco.com/1585Marijuana>. Copies of these documents may be obtained by calling Linda Kuller at 360-370-7572 on business days between 8:00 a.m. and 4:30 p.m. Upon request, copies will be mailed without charge.

Comments on the SEPA DNS are due by 4:30 p.m. April 17, 2020. You may comment:  
**Via Mail:** Mail written comments to Linda Kuller, Department of Community Development, PO Box 947 Friday Harbor, WA 98250, or call Linda Kuller at the number above to arrange to deliver them to the DCD office at 135 Rhone Street Friday Harbor during business hours.  
**Via Email:** Email comments to [marijuana-comments@sanjuanco.com](mailto:marijuana-comments@sanjuanco.com). Email subject line: Comments on the SJC Marijuana Ordinance DNS from (your last name or agency name).

Please include your full address in all correspondence for the record. For questions, please contact Linda Kuller at [linda.k@sanjuanco.com](mailto:linda.k@sanjuanco.com).  
Legal No. SJ895349  
Published: The Journal of the San Juan Islands, April 1, 2020

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# TOWN OF FRIDAY HARBOR LEGAL NOTICES

**NOTICE OF PUBLIC HEARING BEFORE THE TOWN PLANNING COMMISSION**  
Shoreline Substantial Development Permit Application #104 & SEPA Checklist #310  
**DESCRIPTION OF PROPOSAL:**  
The Port of Friday Harbor has applied for a Shoreline Substantial Development Permit (SSDP#104) and a SEPA Checklist (SEP#310). The proposal includes: Construction of a boardwalk along the east side of Front Street North, starting at the fountain and running the length of Falweather Park. Construction of a concrete pad for installation of a trash compactor on the north end of the subject parcel; north of the marina office building. Change the use of approximately 2,000 square feet of space on the main pier, previously occupied by garbage dumpsters, to temporary and seasonal event space, craft and food space, and permanent guest services facilities for check-in, package storage, and reuse center. Change the use of the existing picnic shelter in Falweather Park (approximately 500 square feet) to use for temporary and seasonal event space, and craft and food sales.

**LOCATION:** The proposed project is located at 10 Front Street North, Tax Parcel Number 351353001, Friday Harbor, San Juan County.  
**PROPOSENTS:** Todd Nicholson, Port Director, Port of Friday Harbor, P.O. Box 889, Friday Harbor, WA 98250  
**LOCATION AND DATE:** The Town Council will hold a PUBLIC HEARING to review Shoreline Substantial Development Permit (SSDP) Application #104 and SEPA Checklist (SEP) #310 at 5:30 PM, Thursday, April 9, 2020, in the Town Hall Council Chambers at 50 Second Street South, Friday Harbor, WA. Additional documents about this proposal are available for public review online at <http://tidalharbor.org/2346/>.  
**Development Applications Notices:**  
As a result of the fluidity of the COVID-19 situation, there is a possibility that the public hearing may be held remotely utilizing electronic means. Because of this, there may be limited or reduced ability to testify in person on these issues. We are encouraging you to submit all of your comments in writing which will be distributed to the Commission members. In the event that the meeting is held remotely, there will be a portal to watch the proceeding at the Town Hall

Council Chambers. The Town is working on a process to allow the public to watch the meeting live from their home or business. Please watch the Town website for details.  
Published: Journal of the San Juan Islands  
April 1, 8, 2020  
Legal #: JSJ895215.

**NOTICE OF PUBLIC HEARING BEFORE THE TOWN PLANNING COMMISSION**  
Rezoning Application No. 73  
Proposing an Amendment to the 2019 Zoning Designation Map  
**DESCRIPTION OF PROPOSAL:**  
The Town of Friday Harbor has received a request from the Proponent to rezone a portion of their property from Public Service (PU) to Light Industrial (IN). The subject property is identified as Tax Parcel Number 351491631 located at 27 Airport Circle Drive, Friday Harbor, Washington.  
**PROPOSENTS:** Todd Nicholson, Port Director, Port of Friday Harbor, P.O. Box 889, Friday Harbor, WA 98250  
**HEARING DATE AND LOCATION:**  
The Town of Friday Harbor Planning Commission will hold a PUBLIC

HEARING to review the Proponent's request to amend the 2019 Zoning Designation Map at 5:30 PM on Thursday, April 9, 2020, in the Town Hall Council Chambers, 60 Second Street South, Friday Harbor, Washington. Copies of documents are available for public review online at <http://tidalharbor.org/2346/>.  
**Development Applications Notices:**  
As a result of the fluidity of the COVID-19 situation, there is a possibility that the public hearing may be held remotely utilizing electronic means. Because of this, there may be limited or reduced ability to testify in person on these issues. We are encouraging you to submit all of your comments in writing which will be distributed to the Commission members. In the event that the meeting is held remotely, there will be a portal to watch the proceeding at the Town Hall Council Chambers. The Town is working on a process to allow the public to watch the meeting live from their home or business. Please watch the Town website for details.  
Published: Journal of the San Juan Islands  
April 1, 8, 2020  
Legal #: JSJ895211

The following ordinance was adopted by the Town Council on Thursday, March 19, 2020.  
The full text of this ordinance shall be mailed upon request to the Town Clerk, POB 219, Friday Harbor, Washington, 98250. / (360) 378-2810.  
**ORDINANCE NO. 1689** accepting the Final Site Plan of Finnegan Way Planned Residential Development - Phase 2 to the Town of Friday Harbor.  
Published: Journal of the San Juan Islands  
April 1, 2020  
Legal #: JSJ895XXX

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# MISCELLANEOUS LEGAL NOTICES

**IN THE SUPERIOR COURT OF WASHINGTON FOR SAN JUAN COUNTY**  
In the Matter of the Estate: JOHN LEONARD THALACKER, Deceased  
Probate No. 20-4-05022-28  
**PROBATE NOTICE TO CREDITORS**  
RCW 11.40.030  
The Personal Representative named below has been appointed as Personal Representative of this estate. Any person having a claim against the decedent must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim in the manner as provided in RCW 11.40.070 by serving on or mailing to the Personal Representative or the Personal Representative's attorneys of record at the address stated below, a copy of the claim and filing the original of the claim with the Court in which the probate proceedings were commenced. The claim must be presented within the later of: (1) Thirty (30) days after the Personal Representative served or mailed the notice to the creditor as provided under RCW 11.40.020(1)(c); or (2) four (4) months after the date of first publication of the Notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in RCW 11.40.051 and RCW 11.40.060. This bar is effective as to claims against both the probate assets and nonprobate assets of the decedent.  
**DATE OF FIRST PUBLICATION:** April 1, 2020.  
Victoria Ann Thalacker, Personal Representative  
c/o Wagner Law Offices P.C.

For U.S. Mail: P.O. Box 3019  
For Hand Delivery: 385 Court Street, Suite 4  
Friday Harbor, WA 98250  
Attorney for Administrator  
Mimi M. Wagner, WSBA #36377  
P.O. Box 3019  
Friday Harbor, WA 98250  
Court of Probate Proceedings and Cause No.: San Juan County Superior Court, No. 20-4-05022-28  
Published: Journal of the San Juans  
April 1, 8, 15, 2020  
Legal #: JSJ895275

**IN THE SUPERIOR COURT OF WASHINGTON FOR SAN JUAN COUNTY**  
In the Matter of the Estate: KAREN ANN COSTANZA, Deceased  
Probate No. 20-4-05024-28  
**PROBATE NOTICE TO CREDITORS**  
RCW 11.40.030  
The Administrator named below has been appointed as Administrator of this estate. Any person having a claim against the decedent must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim in the manner as provided in RCW 11.40.070 by serving or mailing to the Administrator or the Administrator's attorneys of record at the address stated below, a copy of the claim and filing the original of the claim with the Court in which the probate proceedings were commenced. The claim must be presented within the later of: (1) Thirty (30) days after the Administrator served or mailed the notice to the creditor as provided under RCW 11.40.020(1)(c); or (2) four (4)

months after the date of first publication of the Notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in RCW 11.40.051 and RCW 11.40.060. This bar is effective as to claims against both the probate assets and nonprobate assets of the decedent.  
**DATE OF FIRST PUBLICATION:** April 1, 2020.  
Susan J. See, Administrator  
c/o Wagner Law Offices P.C.  
For U.S. Mail: P.O. Box 3019  
For Hand Delivery: 385 Court Street, Suite 4  
Friday Harbor, WA 98250  
Attorney for Administrator  
Mimi M. Wagner, WSBA #36377  
P.O. Box 3019  
Friday Harbor, WA 98250  
Court of Probate Proceedings and Cause No.: San Juan County Superior Court, No. 20-4-05024-28  
Published: Journal of the San Juans  
April 1, 8, 15, 2020  
Legal #: JSJ895166

**IN THE SUPERIOR COURT OF WASHINGTON FOR SAN JUAN COUNTY**  
In the Matter of the Estate: KATHERINE MARGARET TURNBULL, Deceased  
Probate No. 20-4-05023-28  
**PROBATE NOTICE TO CREDITORS**  
RCW 11.40.030  
The Personal Representative named below has been appointed as Personal Representative of this estate. Any person having a claim against the decedent must, before the time the claim would be barred by any otherwise ap-

plicable statute of limitations, present the claim in the manner as provided in RCW 11.40.070 by serving on or mailing to the Personal Representative or the Personal Representative's attorneys of record at the address stated below, a copy of the claim and filing the original of the claim with the Court in which the probate proceedings were commenced. The claim must be presented within the later of: (1) Thirty (30) days after the Personal Representative served or mailed the notice to the creditor as provided under RCW 11.40.020(1)(c); or (2) four (4) months after the date of first publication of the Notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in RCW 11.40.051 and RCW 11.40.060. This bar is effective as to claims against both the probate assets and nonprobate assets of the decedent.  
**DATE OF FIRST PUBLICATION:** March 25, 2020.  
Janet Elaine Scheffer, Personal Representative  
c/o Wagner Law Offices P.C.  
For U.S. Mail: P.O. Box 3019  
For Hand Delivery: 385 Court Street, Suite 4  
Friday Harbor, WA 98250  
Attorney for Personal Representative  
Mimi M. Wagner, WSBA #36377  
P.O. Box 3019  
Friday Harbor, WA 98250  
Court of Probate Proceedings and Cause No.: San Juan County Superior Court, No. 20-4-05023-28  
Published: Journal of the San Juans  
March 25, April 1, 8, 2020  
Legal #: JSJ894709

**PORT OF FRIDAY HARBOR CLOSED TO TRANSIENT MOORAGE AND AIRPORT CAMPING**  
The Port of Friday Harbor in support of the Governor's "Stay at Home" order and in the best interest of the public and our staff, is closed to transient moorage and airport camping until April 30, 2020. This action will take effect at 5 pm Wednesday March 25, 2020 in an effort to flatten the spread of COVID-19.  
No new reservations will be accepted until further notice.  
The Port appreciates your understanding in this effort to keep our community safe from the spread of this viral infection.  
Published: Journal of the San Juan Islands  
April 1, 2020  
Legal #: JSJ895455

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# State Environmental Policy Act (SEPA) Register

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## 202001780 - San Juan County

**Lead Agency**

San Juan County

**File #**

PCODES-19-0001

**Contact**

Linda Kuller

(360) 370-7572

[marijuanacomments@sanjuanco.com](mailto:marijuanacomments@sanjuanco.com) (mailto:marijuanacomments@sanjuanco.com)

**County**

SAN JUAN

**Region**

NW

**SEPA #**

202001780

**Document Type**

DNS

**Date Issued**

04/01/2020

**Comments Due**

04/17/2020

**Proposal Description**

An Ordinance Regulating Marijuana Production and Processing Facilities; Amending SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; and Adding New Sections - 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. The proposal is intended to: 1. Adopt specific definitions of marijuana production and processing in San Juan County Code Title 18; 2.

Regulate marijuana production and processing as a specific use; 3. Establish performance and siting standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility.

### Related Record

### Notes

### Location

Address: San Juan County

### Applicant

San Juan County Department of Community Development

### Applicant Contact

Linda Kuller - 360-370-7572

### Documents

 2020-03-24\_DCD\_Req\_Rev\_Marijuana\_Ord\_Signed\_Dated.pdf (Document/DocumentOpenHandler.ashx? DocumentId=88028) (3 MB)

Please email [SEPA Help \(mailto:sepahelp@ecy.wa.gov\)](mailto:sepahelp@ecy.wa.gov) with any updates, problems, or questions about SEPA Register.

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# THANK YOU

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We have received your submitted amendment. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

### Submittal ID: 2020-S-1326

Submittal Date and Time: Mar 31, 2020, 12:00:00 AM

### Submittal Information

**Jurisdiction:** San Juan County (2800)  
**Submittal Type:** 60-day Notice of Intent to Adopt  
 Amendment  
**Amendment Type:** Development Regulation Amendment

### Amendment Information

#### Brief Description

Proposed ordinance: AN ORDINANCE REGULATING MARIJUANA PRODUCTION AND PROCESSING FACILITIES; AMENDING SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; AND ADDING NEW SECTIONS Project webpage: <https://www.sanjuanco.com/1585/Marijuana>

Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Planning Commissions  
Date

Board of County Commissioners Date

Anticipated/Proposed  
Date of Adoption

### Attachments

Attachment Type	File Name	Uploaded Date
Development Regulation Amendment - Draft	2020-03-25_DRAFT_Marijuana_Ordinance_SEPA_draft.docx	3/31/20, 2:20 PM
Staff Report	2020-02-27_DCD_Kul_Memo_Draft_Mari-Regs_CC_03-17-20.docx	3/31/20, 2:21 PM
SEPA Materials	SEPA_DNS_Checklist_Marijuana_Signed.pdf	3/31/20, 2:22 PM
SEPA Materials	SEPA_DNS_Checklist_Marijuana_Signed.pdf	3/31/20, 2:23 PM

### Contact Information

**Prefix**  
**First Name** Linda  
**Last Name** Kuller  
**Title** Planner IV  
**Work Phone** (360) 370-7572 Ext 7572  
**Cell Phone**  
**Email** [lindak@sanjuanco.com](mailto:lindak@sanjuanco.com)

Yes. This is a consultant.

Consulting Firm Name

Yes, I would like to be contacted for Technical Assistance.

## Submit

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I Certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name	Linda Ann Kuller
Email	LindaK@sanjuanco.com

Close

RESOLUTION NO. 12 - 2020**A RESOLUTION RENEWING A MORATORIUM ADOPTED IN RESOLUTION NO. 34-2019 ON LICENSED MARIJUANA PRODUCTION AND PROCESSING.**

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

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

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

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

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

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

ADOPTED this 24<sup>TH</sup> day of MARCH 2020.

ATTEST: Clerk of the Council

COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

Ingrid Gabriel 3.24.20  
Ingrid Gabriel, Clerk Date

Rick Hughes  
Rick Hughes, Chair  
District 2

REVIEWED BY COUNTY MANAGER

Michael J. Thomas 4/22/2020  
Michael J. Thomas Date

Bill Watson  
Bill Watson, Vice-Chair  
District 1

RANDALL K. GAYLORD  
APPROVED AS TO FORM ONLY

Jamie Stephens (CLERK)  
FOR JAMIE STEPHENS  
Jamie Stephens, Member  
District 3

By: Amy Vira signed 3/24/2020  
telephonically Date  
w Linda Kulle