

## Planning Commission Public Hearing: Draft Ordinance Regulating Marijuana Production and Processing

July 17, 2020

Department of Community Development  
Adam Zack, Planner III



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## Marijuana Moratorium In Effect

- Prohibits issuance of permits and approvals for new marijuana production and processing
- Resolution 12-2020 - Adopted March 24, 2020
- Expires the week of September 24, 2020

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## Hearing on a Draft 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



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## Procedures

- 60-day Notice provided to WA Dept. of Commerce: March 31, 2020 – ID 2020-S-1326
- SEPA: Determination of Nonsignificance issued April 1, 2020 – No comments submitted – Ecology Register number 202001780
- Ordinance reviewed as to form by the Prosecuting Attorney's office, some changes made for clarity and implementation

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## Section 1. Amends SJCC 18.20.130 "M" definitions.

Adopts State definitions:

- Marijuana
- Marijuana processor
- Marijuana producer



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## Section 2. Land use table – Activity center land use designations.

	Village			Hamlet <sup>15</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR
Marijuana production and processing, Tiers 1 and 2 <sup>13, 14</sup>	N	C	N	N	C	N	C	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N

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### New Footnotes

- 13. Marijuana production and processing **must be conducted indoors**. Indoors means inside fully enclosed and secure structures including opaque greenhouses with rigid walls, a roof, and doors.
- 14. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Board (provides Tiers).
- 15. Applies to Deer Harbor Hamlet HI-A and HI-B. Marijuana production and processing are prohibited in Olga Hamlet designations.

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### Section 3: SJCC 18.30.040 Land use table – Rural, resource, special land use designations.

	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Marijuana production and processing, Tiers 1 and 2 <sup>15, 16, 18</sup>	C	N	C <sup>17</sup>	C	N	C <sup>17</sup>	N	N	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N	N

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### New Footnotes: Highlights

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

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### Ordinance Section 4. SJCC 18.30.460 Eastsound subarea land use regulations.

Ind Use	VC	VR	SLI	ES Res	Service Park	Marina	ES Airport	Country Corner	ES Rural Res	ES Rural	ES natural
Production Processing Tiers 1 & 2 <sup>2</sup>	CUP	NO	CUP	NO	CUP	NO	NO	CUP	NO	NO	NO
Tier 3	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

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### New Footnotes

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

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

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### Performance Standards



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### Section 5: New standards Production and processing - general.

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

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### Section 6. New Standards Rural and AG land siting standards.

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

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### Section 7: Production/processing structures and outdoor production

- Manage lighting: Adjoining property, critical areas and public roads.
- Comply with Landscaping: SJCC 18.60.160 and install Type A landscaping screen. Process was clarified by PA.
- Install State security requirements prior to occupation.
- Identify chemicals, industrial solvents on applications and site plans.
- Comply with water system requirements and waste disposal regulations.
- Comply with noise regulations. Muffle fan noise -use best available technology. Added a list of nine examples of measures to reduce fan noise.
- Filter exhaust air prior to dispersal.

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## Section 7: Production/processing structures and outdoor production

- Minimize odors using best management practices and technology.
- A mechanical engineer licensed in WA must design the odor control system.
- No odors detectable at, or beyond the property line, to cause public nuisance, threaten public health/safety, or infringe on neighboring properties. Added a list of 12 technologies to be used for odor control.
- Minimize impacts to roads in rural and natural resource.
- Sets a cap on traffic intensity to be generated. Only low intensity (5 round trips/day) on private roads and medium (6-19 round trips/day) on public roads.

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## Public Comments Received during Briefing Periods

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

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## Public Participation

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

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

**Public Comments:** Emailed comments about the draft documents must be sent to [MarijuanaComments@sanjuanaco.com](mailto:MarijuanaComments@sanjuanaco.com)

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

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**Project Benchmarks:  
Work Plan in Original Moratorium Resolution 34-2019**

*Expedite rest of schedule if possible to avoid renewal of moratorium.*

- July: Planning Commission public hearing
- August: Council briefings and public hearing
- Aug - Sept: Council adoption

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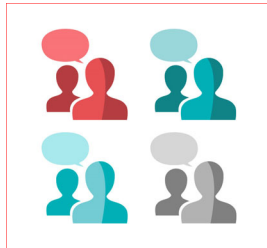
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**Questions**



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