



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT


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

MEMO

MEMO DATE: July 29, 2020

TO: San Juan County Council

CC: Mike Thomas, County Manager
Erika Shook, AICP, Director, DCD

FROM: Adam Zack, Planner III, DCD 

SUBJECT: Draft Ordinance Regarding the Regulation of Marijuana Production and Processing

BRIEFING: August 11, 2020

PUBLIC HEARING: August 25, 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
- E. Draft Planning Commission Findings and Recommendations dated July 17, 2020
- F. Draft Planning Commission meeting minutes dated July 17, 2020.
- G. Public Comments Received Prior to the Planning Commission Public Hearing

August 11 Briefing Purpose: To provide the County Council with the Planning Commission’s recommended changes to a draft Ordinance Regulating Marijuana production and processing facilities.

August 25 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 County Council can deliberate on and amend the proposed ordinance prior to adoption.

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.

Previous Discussions and Meeting Dates: The regulations for marijuana production and processing facilities were on track to go through the public hearing process in the Spring of 2020 but were delayed by the ensuing COVID-19 pandemic. As a result, the last time the County Council was briefed on the proposed regulations was March 17, 2020. The list below provides the meeting dates when the regulations were discussed and links to the agendas and minutes.

- **December 3, 2019** – Initial briefing and preliminary County Council direction.
 - Agenda and Recording: <https://media.avcaptureall.com/session.html?sessionid=26081d8f-97d5-4f51-b8a9-e31494bf0113&prefilter=30,5838>
 - Minutes: <https://www.sanjuanco.com/DocumentCenter/View/19626/12-03-2019-Tuesday-Meeting-Minutes>
- **January 31, 2020** – County Council retreat. The Council provided direction on the development of the regulations
 - Minutes: <https://www.sanjuanco.com/DocumentCenter/View/19828/01-31-2020-Council-Retreat>
- **March 17, 2020** – Briefing on draft regulations
 - Agenda and Recording: <https://media.avcaptureall.com/session.html?sessionid=4f23d9f1-84df-4b5b-916b-d412a1e49fe2&prefilter=30,5838>
 - Minutes: <https://www.sanjuanco.com/DocumentCenter/View/20098/03-17-2020-Tuesday-Meeting-Minutes>

Planning Commission Recommendation: The Planning Commission held a public hearing on the proposed ordinance on July 17, 2020. After the hearing, they recommended the attached draft ordinance to the County Council (Attachment A). The Planning Commission public hearing was live streamed and the public was able to provide testimony by calling in to the Skype meeting. No public testimony was provided during the public hearing. The written public comments submitted prior to the hearing were considered and are discussed later in this memo. The draft meeting minutes and draft findings and recommendations are provided in Attachments E and F.

The Planning Commission made two changes to the draft ordinance. First, they amended Section 7, Item F in the Marijuana Production and Processing Performance Standards to require that the exhaust air system be designed by a licensed engineer to minimize noise. The proposed change does not significantly add to the design requirements because proposed Item H required a licensed engineer to design the odor control system. In other words, under the initially proposed regulations an engineer was already required to design the odor control system and the Planning Commission's recommendation just requires the engineer to also design the ventilation system to minimize noise. The change to Ordinance Section 7, Item F is shown below.

Planning Commission Recommended Section 7, item F in ~~strikeout~~/underline format

Producers and processors shall comply with Chapter 9.06 SJCC. Fan noise from their operations shall be ~~muffled~~minimized. A mechanical engineer licensed in the State of Washington shall design the noise control system using standard industry practices such as installing fans with components listed by Underwriters Laboratories (UL) and a combination of the following techniques and components

Planning Commission Recommended Section 7, item F, clean

Producers and processors shall comply with Chapter 9.06 SJCC. Fan noise from their operations shall be minimized. A mechanical engineer licensed in the State of Washington shall design the noise control system using standard industry practices such as installing fans with components listed by Underwriters Laboratories (UL) and a combination of the following techniques and components

The Planning Commission also amended Section 7, Item I in the Marijuana Production and Processing Performance Standards. The Planning Commission struck the language referring to the installation of road improvements to offset possible traffic impacts if vehicle trips exceed ten trips per day. The Planning Commission was concerned that this would authorize changes to County roads without a public review process. To the Planning Commission, this had the potential to negatively impact rural character. The draft Planning Commission Minutes and Findings and Recommendations are included as Attachments E and F. Staff will provide the approved minutes and findings and recommendations at the public hearing. The changes are shown in ~~strikeout~~/underline format below.

Planning Commission Recommended Section 7, item I in ~~strikeout~~/underline format

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

~~1. Continuing maintenance; or~~

~~2. Installation of road improvements prior to the County's issuance of an occupancy or land use permit if traffic volumes will exceed ten trips per day from the operation.~~

Planning Commission Recommended Section 7, item I, clean

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

This change does not substantially change what the administrator is authorized to recommend for conditions of approval. Under both the Planning Commission's recommendation and the original proposed ordinance text, the administrator is authorized to recommend permit conditions based on the County Engineer's recommended measures to address possible traffic impacts. The list of options for possible permit conditions in both drafts is a nonexclusive list because it is preceded by "such as".

Legal Review: Prior to the Planning Commission public hearing, the Prosecuting Attorney reviewed the draft ordinance and recommended changes to the 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 (UDC). 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 ⁽¹⁾		
	Low	Medium	High
Passenger vehicle trips generated/day ⁽⁶⁾	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 Nonsignificance (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 the proposed ordinance:

- Marijuana production and processing are not agricultural 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 resource 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. The definition clarifies that marijuana is not an agricultural product.

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
Marijuana production and processing, Tiers 1 and 2 ^{13, 14}	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>N</u>
Marijuana production and processing, Tier 3	<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:

13. Marijuana production and processing must be conducted in fully enclosed and secure structures such as stick built buildings or an opaque greenhouse 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:

	RGU	RR	RFF	RI	RC	AG	FOR	C	N
<u>Marijuana production and processing, Tiers 1 and 2¹⁵, 16, 18</u>	<u>C</u>	<u>N</u>	<u>C¹⁷</u>	<u>C</u>	<u>N</u>	<u>C¹⁷</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.

Table 2 – Allowed Industrial Uses by Eastsound Land Use District											
Industrial Uses by Eastsound Land Use District ⁴	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 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 ²	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:

² 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.

NEW SECTION. Section 5. Marijuana production and processing – general.

Establishes general performance standards for marijuana production and processing. Some of the key regulations are:

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

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

Establishes siting standards for marijuana production and processing in rural and Agricultural Resource Lands. Some of the key regulations are:

- Indoor production and processing in Agricultural Resource Lands is only allowed in structures existing on the effective date of the ordinance;
- Expansion of existing structures for production and processing in Agricultural Resource Lands is prohibited;
- Structures and outdoor production must be set back 300 feet from property lines;
- Structures and outdoor production must be set back 500 feet from existing residences outside of the subject property; and
- An existing structure is one that is legally constructed or has a permit application vested prior to the effective date of the ordinance.

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

Establishes performance standards for marijuana production and processing. Some of the key regulations are:

- Lighting must be directed away from adjoining properties, critical areas and public roads;
- Type A landscaping is required to surround all indoor production and processing and outdoor production operations. Type A landscaping is a mix of trees and shrubs to form a continuous screen;
- State required security measures are required prior to the issuance of a certificate of occupancy;
- If the producers or processors will use chemicals, industrial solvents, or other noxious hazardous substances they must comply with Federal, State and County safety, fire, structural, storage, and disposal standards;
- Fan noise must be minimized. A licensed mechanical engineer must design the noise control system;
- Odors emitted from structures must be minimized. A licensed mechanical engineer must design the odor control system; and
- Traffic impacts to public and private roads must be limited. Only low-level traffic intensities are allowed on private roads. Traffic intensities up to medium level are allowed on public roads. Permits may be conditioned to require measures to address public road impacts based on the County Engineer’s recommendation.

Section 8. Effective Date.

Section 9. Codification. Sections 1-7 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.

Public Comments: Written public comments on the draft ordinance submitted to marijuanacomments@sanjuanco.com to date are summarized in Table 1 below. The full text of the comments is included in Attachment G.

Table 1. Marijuana Ordinance Written Public Comments Received Prior to the Planning Commission Public Hearing.

Comment #	Commenter	Summary of Comment	Staff Response
1	Elisabeth Robson	Ms. Robson supports a ban on both marijuana production and processing. She is opposed to growing marijuana at an industrial scale due to environmental concerns.	<p>The draft ordinance does not propose a ban on either the production or processing of marijuana.</p> <p>The proposed regulations seek to minimize environmental impacts by:</p> <ul style="list-style-type: none"> • Requiring the control of lighting, fan noise and odor output, • Categorizing the use as an industrial use rather than an agricultural use; and • Requiring the applicant comply with federal state and County standards for hazardous substances.
2	Carol Deckelbaum	Ms. Deckelbaum supports the regulations in the proposed ordinance.	
3	Julienne Gschwend	Ms. Gschwend supports the regulations in the proposed ordinance.	

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 WSLCB 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 and 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 way 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

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 RCW 36.70.795, the 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 on September 24, 2020 if not renewed. The public hearing on August 25, 2020 will keep the project on track to avoid extending the moratorium.

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
- 4 **J.** County staff briefed the County Council and Planning Commission about the draft proposal
5 on March 17, and 20, 2020.
6
- 7 **K.** County staff completed the environmental and nonproject action checklists for the project
8 in compliance with the State Environmental Policy Act (SEPA) and determined that the
9 proposal would be unlikely to create significant adverse environmental impacts.
10
- 11 **L.** County staff issued a Determination of Non-significance (DNS) on April 1, 2020 and
12 published it in the Journal of the San Juan Islands and The Island's Sounder. County staff
13 transmitted the environmental checklist and DNS to federal, state and local agencies in
14 accordance with SJCC 18.80.050 and WAC 197-11-340.
15
- 16 **M.** The Washington State Department of Ecology published notice of the SEPA determination
17 on their SEPA Register under No. 202001780.
18
- 19 **N.** County staff submitted a sixty-day notice regarding the potential adoption of amendments
20 to the County's development regulations to the Washington State Department of
21 Commerce (Commerce) on March 31, 2020 in compliance with RCW 36.70A.106.
22
- 23 **O.** Commerce acknowledged receipt of the sixty-day notice and identified it as Submittal ID
24 No. 2020-S-1326 on March 31, 2020.
25
- 26 **P.** A July 17, 2020 Planning Commission public hearing was advertised in the Journal of the
27 San Juan Islands and The Island's Sounder on July 1, 2020.
28
- 29 **Q.** The Planning Commission held a duly advertised public hearing on July 17, 2020,
30 deliberated and recommended that the County Council should adopt the ordinance with
31 modifications.
32
- 33 **R.** County staff briefed the County Council on the Planning Commission's recommendation
34 regarding the proposal on July 21, 2020.
35
- 36 **S.** An August 25, 2020 County Council public hearing was advertised in the Journal of the San
37 Juan islands and the Island's Sounder on **July 29, 2020**.
38
- 39 **T.** The County Council was briefed on the Planning Commission's recommendation on
40 August 11, 2020.
41
- 42 **U.** The County Council held a duly advertised public hearing on **August 25, 2020, and**
43 **received public testimony**.
44
- 45 **V.** The County Council deliberated on the ordinance and made the following findings:
46

1 1. It is appropriate to establish specific regulations for marijuana production and
2 processing operations.

3
4 2. It is appropriate to establish specific siting and performance standards for marijuana
5 production and processing operations to ensure that the County addresses potential land
6 use compatibility issues and minimizes adverse impacts to rural character, natural
7 resources and the public welfare.

8
9 **NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan County,
10 State of Washington, as follows:

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

14
15 **18.20.130 “M” definitions.**

16
17 “Maintenance agreement” means a written agreement between parties to physically maintain a
18 facility for common use in a manner which conforms to standards of adequacy specified in such
19 an agreement.

20
21 “Maintenance and Repair, Normal.”

- 22
23 1. “Normal maintenance” includes those acts to prevent a decline, lapse, or cessation from
24 a lawfully established condition.
25
26 2. “Normal repair” means to restore a development to a state comparable to its original
27 condition within a reasonable period after decay or partial destruction.

28
29 Normal maintenance and repair do not include maintenance and repair that cause substantial
30 adverse effects to shoreline resources or environment (WAC 173-27-040).

31
32 “Manufacturing” means the mechanical or chemical transformation of materials or substances
33 into new products, including the assembling of component parts, the creation of products, and
34 the blending of materials, such as lubricating oils, plastics, resins, or liquors.

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

- 41
42 (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the
43 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation
44 of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized
45 seed of the plant which is incapable of germination; or

1 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp
2 production under chapter 15.140 RCW.
3

4 "Marijuana processor" means a person licensed by the Washington State Liquor and Cannabis
5 Board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused
6 products, package and label marijuana concentrates, useable marijuana, and marijuana-infused
7 products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and
8 marijuana-infused products at wholesale to marijuana retailers.
9

10 "Marijuana producer" means a person licensed by the Washington State Liquor and Cannabis
11 Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana
12 producers.
13

14 "Marina" means a facility that provides wet moorage or dry storage, supplies, and services for
15 pleasure craft and some types of commercial craft. Boat-launching facilities may also be
16 provided at a marina.
17

18 "Marine railway" means a set of rails running from the upland area into the water upon which a
19 boat can be launched.
20

21 "Market value" means value of land or structures as assessed by the San Juan County assessor's
22 office.
23

24 "Marsh" means a soft, wet area periodically or continuously flooded to a shallow depth, usually
25 characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.
26

27 "Master planned resort" means a self-contained and fully integrated planned unit development in
28 a setting of significant natural amenities, with primary focus on destination resort facilities
29 consisting of short-term visitor accommodations associated with a range of on-site indoor or
30 outdoor recreational facilities.
31

32 "Material change" means a measurable change that has significance for existing or proposed
33 development or for the existing environment.
34

35 "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's
36 highest tide at a particular location over a period of 19 years. It is measured from the MLLW equals
37 0.0 tidal elevation.
38

39 "Mean lower low water" or "MLLW" means the 0.0 tidal flat elevation. It is determined by
40 averaging each day's lowest tide at a particular location over a period of 19 years. It is the tidal
41 datum for vertical tidal references in the saltwater area.
42

43 "Midden" means an area of ancestral human use that consists of an ancient refuse heap.
44

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

1
2 “Mineral extraction” means the removal of naturally occurring materials from the earth for
3 economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal,
4 and various types of stone.

5
6 “Mineral resource lands” means those lands from which the commercial extraction of minerals
7 (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have
8 long-term commercial significance.

9
10 “Mini-storage” means a structure or structures containing separate, individual, and private storage
11 spaces of varying sizes leased or rented individually for varying periods of time.

12
13 “Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or
14 compensate for adverse impacts.

15
16 “Mixed-use development” means a development with one or more mixed-use structures.

17
18 “Mixed-use structure” means a building containing residential and nonresidential uses.

19
20 “Mobile food vending unit” means a portable food or drink service vehicle.

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

26
27 “Mobile home park” means a development with two or more improved pads or spaces with
28 required improvements and utilities designed to accommodate mobile homes, according to
29 RCW 59.20.030(4).

30
31 “Monopole” means the type of antenna mount that is self-supporting with a single shaft, typically
32 of wood, steel or concrete, and is self-supporting without guy wires.

33
34 “Moorage” means any over-water facility for securing boats, including docks, piers, and mooring
35 buoys, but excluding anchorage and dry boat storage.

36
37 “Mooring buoy” means a buoy used for vessel moorage that meets federal and state standards, is
38 located waterward of the OHWM, and is permanently anchored to the sea or lake bed.

39
40 “Mooring float” means a standalone float used for vessel moorage that meets federal and state
41 standards, is located waterward of the OHWM, and is permanently secured to the sea or lake bed.
42 Motel. See “hotel.”

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

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^(1, 2, 3, 4)

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet ¹⁵			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(5,6)
Commercial Uses								
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 ⁽¹⁰⁾	P	P	C ⁽¹⁰⁾	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
Commercial Uses								
Existing resorts and camps, expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	See Note 5
Existing resorts and camps, increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	See Note 5
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
Industrial Uses								
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^{13, 14}</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>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Mining and mineral extraction activities</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P.A.</u>
Outdoor storage yards	N	P	N	N	P/C	N	P	P.A.
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P.A.
Recycling collection/processing	P/C	P/C	N	P/C	P/C	N	P/C	P.A.
Recycling collection	P	P	P/C	P	P	P/C	P	Y
Resource processing accessory to extraction operations	N	N	N	N	N	N	N	P.A.
Mining and mineral extraction activities	N	C	N	N	N	N	N	P.A.
Wholesale distribution outlet	N	Y	N	N	P/C	N	P/C	P.A.
Wrecking and salvage yards	N	C	N	N	N	N	N	P.A.
Storage and treatment of sewerage, sludge and septage – lagoon systems	N	N	N	N	N	N	N	P.A.
Unnamed industrial uses	P/C	P/C	N	P/C	N	N	P/C	P.A.
Institutional Uses								
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.
Recreational Uses								

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.
Residential Uses								
Cottage enterprise	P	P	P	P	P	P	P	P.A. ⁽⁶⁾
Farm worker accommodations	P	N	P	Y	N	P	P	P.A. ⁽⁶⁾
Farm stay	P	N	P	P	N	P	N	P.A. ⁽⁶⁾
Home occupation	Y	Y	Y	Y	Y	Y	Y	P.A. ⁽⁶⁾
Mobile home parks ⁽⁷⁾	N	N	P	N	N	P	N	P.A. ⁽⁶⁾
Multifamily residential units (3+ units)	P	P/C	Y	Y	N	Y	N	P.A. ⁽⁶⁾
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 ⁽⁹⁾	P.A. ⁽⁶⁾
Residential Uses								
Single-family residential unit	Y	P/C	Y	Y	Y	Y	N	P.A. ⁽⁶⁾
Two-family residential (duplex)	Y	P/C	Y	Y	P/C	Y	N	P.A. ⁽⁶⁾
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. ⁽⁶⁾
Vacation rental of residence or accessory dwelling unit	P	P	C	P	P	C	P	P.A. ⁽⁶⁾
Transportation Uses								
Airfields	N	C	N	N	N	N	N	P.A.
Airports	N	C	N	N	N	N	N	P.A.

Airstrips	N	N	N	N	N	N	N	P.A.
Hangars	N	P/C	P/C	N	N	N	N	P/C
Helipads	N	N	N	N	N	N	N	P.A.
Ferry terminal	C	C	N	C	C	N	N	P.A.
Parking lots, commercial	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Parking structures	P/C	P/C	N	N	N	N	N	P/C
Streets, public	Y	Y	Y	Y	Y	Y	Y	Y
Trails and paths, public	Y	Y	Y	Y	Y	Y	Y	Y
Unnamed transportation uses	P/C	P/C	N	P/C	P/C	N	P/C	P/C
Utilities Uses								
Commercial communication facilities ⁽¹⁰⁾	C	C	N	C	C	N	C	P.A. (C where allowed)
Commercial power-generation facilities	C	C	C	C	C	C	C	P.A.
Community sewerage treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Category “A” joint use wireless facility ⁽¹²⁾	Y	Y	Y	Y	Y	Y	Y	Y
Category “B” joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage – systems other than lagoons	C	C	C	C	C	C	C	P.A.
Utility distribution lines	Y	Y	Y	Y	Y	Y	Y	Y
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utilities Uses								
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Agricultural and Forestry Uses								

Agricultural activities ⁽¹¹⁾	Y	Y	Y ⁽¹¹⁾	Y	Y	Y ⁽¹¹⁾	Y	Y
Forest practices, ⁽⁸⁾ no processing	Y	Y	Y	Y	Y	Y	Y	Y
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	Y
Nurseries	Y	N	N	Y	5	N	Y	P/C
Small-scale slaughterhouses	N	Y	N	N	Y	N	P	P.A.
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	P.A.

1 Notes:

- 2 1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed 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
- 37 9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located
38 within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory
39 dwelling unit in addition to the main residence.
40

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

5 11. Agricultural activities are allowed except for “agricultural processing, retail and visitor serving facilities for
6 products” in VR and HR.
7

8 12. Though a project permit is not required, facilities are subject to the requirements for joint use wireless facilities
9 found in Chapter 18.40 SJCC.
10

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

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

19 Tier 1: Less than two thousand square feet;

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

21 Tier 3: Ten thousand square feet up to thirty thousand square feet.
22

23 15. Applies to the Deer Harbor Hamlet HI-A and HI-B designations. Marijuana production and processing facilities
24 are prohibited in Olga Hamlet designations.
25

26
27
28 **Section 3. SJCC 18.30.040 and Ordinance 25-2012 §8 are each amended to read**
29 **as follows:**

30 **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^(1, 2, 3)

Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands ⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Commercial Uses									
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) ⁽⁵⁾	N (C if historic) ⁽⁵⁾	N (C if historic) ⁽⁵⁾	N
Bed and breakfast residence	P	N	P	N	P	P	P	N (C if historic) ⁽⁵⁾	N

Camping facilities	C	N	N (C if historic) ⁽⁵⁾	N	N	N	N	N	N
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 ⁽¹³⁾	P/C ⁽¹³⁾	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 ⁽¹³⁾	P/C	P/C	C ⁽¹⁴⁾	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
Commercial Uses									
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 (C if historic) ⁽⁵⁾	N	N (P/C if historic) ⁽⁵⁾	N	N	N	N
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
Industrial Uses									
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^{15, 16, 18}</u>	<u>C</u>	<u>N</u>	<u>C¹⁷</u>	<u>C</u>	<u>N</u>	<u>C¹⁷</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 ⁽¹²⁾	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) ⁽⁶⁾	N	N	N	N	N
Industrial Uses									
Mining and mineral extraction activities	C	N	N	N (C if existing) ⁽⁶⁾	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
Institutional Uses									
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) ⁽¹¹⁾	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) ⁽⁵⁾	N	N	N	N (P/C if historic) ⁽⁵⁾	N	N
Library	C	C	N	N	N	N	N	N	N
Museum	C	C	N	N	C	N (C at Port Stanley School) ⁽¹¹⁾	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
Recreational Uses									
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
Recreational Uses									
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

Residential Uses									
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 ⁽⁷⁾	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 ⁽⁹⁾	P ⁽⁹⁾	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
Transportation Uses									
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
Utilities Uses									
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 ⁽¹⁰⁾	Y	Y	Y	Y	Y	Y	Y	Y	Y
Category "B" joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	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	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	C
Agricultural and Forestry Uses									

Agricultural activities	Y	Y	Y	Y	Y	Y	Y	Y	N
Forest practices, no processing ⁽⁸⁾	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.

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

38

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

3
4 11. The use of the Port Stanley School for artistic, scientific, historic, museum or educational purposes or
5 community gatherings or meetings (as provided by RCW 84.36.060) is allowed by permit.

6
7 12. Properties with existing conditional use permits for recycling centers may apply for a new conditional use
8 permit to expand the allowable uses to include recycling collection and/or processing.

9
10 13. To minimize commercial developments in residential neighborhoods, in lands designated RR and RFF with
11 lots of less than five acres in size, wireless facilities other than joint use wireless facilities must be permitted by the
12 use table and accessory to a legal conforming or nonconforming structure and cannot be the primary land use.

13
14 14. In AG resource designations wireless facilities shall be located, designed and operated so as to minimize
15 interference with agricultural uses and the open, uninterrupted, pastoral viewscapes.

16
17 15. Marijuana production is allowed in:

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

22
23
24
25
26 16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the
27 Washington State Liquor and Cannabis Control Board. Applicants must designate the proposed production tier and
28 amount of square footage of plant canopy on land use and building permit application plans. The marijuana
29 production tiers and canopy limits are:

- 30 d. Tier 1: Less than two thousand square feet;
- 31 e. Tier 2: Two thousand square feet up to ten thousand square feet; and
- 32 f. Tier 3: Ten thousand square feet up to thirty thousand square feet.

33
34
35
36
37 17. Marijuana processing is only allowed on a parcel designated RFF or AG resources if it supports a marijuana
38 production operation on the same parcel.

39
40 18. The following minimum lot sizes apply to marijuana production and processing operations:

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

43
44
45
46 **Section 4. SJCC 18.30.460 and Ordinance 21-2015 §2 are each amended to read as**
47 **follows:**

48 **18.30.460 Eastsound subarea land use regulations.**
49

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

- 1. Village commercial‡ (minimum four – maximum 40 units/acre);
- 2. Village residential/institutional‡ (minimum four – maximum 12 units/acre);
- 3. Service and light industrial‡;
- 4. Eastsound residential‡:
 - One unit/acre P*;
 - Two units/acre;
 - Two units/acre P*;
 - Four units/acre P*;
 - Minimum four – maximum 12 units/acre;
- 5. Service park;
- 6. Marina (maximum six – eight units/acre);
- 7. Eastsound airport‡;
- 8. Country corner commercial;
- 9. Eastsound rural residential‡:
 - One unit/five acres;
 - One unit/two acres;
- 10. Eastsound rural (maximum one unit/five acres);
- 11. Natural; and
- 12. Conservancy overlay.

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

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

1
 2 Retail sales, laundries and laundromats, equipment rentals, restaurants, and post offices are
 3 prohibited in the portion of the village commercial district described as follows: between High
 4 School and Rose Streets and east of Pine Street and all areas east of Madrona Street.

5
 6 Uses that are prohibited in the land use table may be allowed as a cottage industry or home
 7 occupation; provided, that the use meets the requirements set forth in SJCC 18.40.190 and
 8 SJCC 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use
 9 instead of a specific type of use.

10
 11 The following tables which show allowed and prohibited uses are followed by the development
 12 standards and specific development conditions that apply to each land use district.
 13

DRAFT

Table 1 – Allowed Commercial Uses by Eastsound Land Use District

Commercial Uses by Eastsound Land Use District ¹	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
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

Table 1 – Allowed Commercial Uses by Eastsound Land Use District

Commercial Uses by Eastsound Land Use District ¹	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
Drinking Establishment	YES	NO	NO	NO	NO	YES	NO	CUP	NO	NO	NO
Eating Establishment	YES ²	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

Table 1 – Allowed Commercial Uses by Eastsound Land Use District

Commercial Uses by Eastsound Land Use District¹	Village Commercial[‡] (min. 4 – max. 40 units/acre)	Village Residential/ Institutional[‡] (min. 4 – max. 12 units/acre)	Service and Light Industrial[‡]	Eastsound Residential[‡] 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina[‡] (max. 6 – 8 units/acre)	Eastsound Airport[‡]	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Residential Care Facilities with 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 ²	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 ²	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 ¹	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
			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 ¹	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
Marina and Related Retail, Repair and Rentals	YES	NO	YES	NO	YES	YES	NO	NO	NO	NO	NO
Laundry/ Laundromat	YES ²	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 ¹Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in
2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use. This use prohibited within that
3 portion of the village commercial district described as follows: between High School and Rose Streets and east of Pine Street, and all areas east of Madrona Street.
4

Table 2 – Allowed Industrial Uses by Eastsound Land Use District

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

Industrial Uses by Eastsound Land Use District¹	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
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 ¹	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 2²</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

Industrial Uses by Eastsound Land Use District¹	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
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

Industrial Uses by Eastsound Land Use District ¹	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
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

Industrial Uses by Eastsound Land Use District ¹	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Storage 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 ¹Uses 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 ²In 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:

1
2
3
4
5

- (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

Institutional Uses by Eastsound Land Use District ¹	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
College or Technical School/Adult Education Facility	YES	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Community Club or Community Organization Assembly Facility	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

Institutional Uses by Eastsound Land Use District¹	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
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
Museum	YES	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO (YES if directly related to site)

Table 3 – Allowed Institutional Uses by Eastsound Land Use District

Institutional Uses by Eastsound Land Use District¹	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
Post Office	YES ²	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 ¹Uses 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.

- 1 ²This 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
2 of Madrona Street.

Table 4 – Allowed Recreational Uses by Eastsound Land Use District

Recreational Uses by Eastsound Land Use District ¹	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 (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
Parks	YES	YES	YES	PROV	NO	YES	NO	PROV	PROV	YES	YES (no camping)

Table 4 – Allowed Recreational Uses by Eastsound Land Use District

Recreational Uses by Eastsound Land Use District ¹	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 (1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
											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
Unnamed Recreational Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

- 1 ¹Uses 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 5 – Allowed Residential Uses by Eastsound Land Use District

Residential Uses by Eastsound Land Use District ¹	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 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
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

Table 5 – Allowed Residential Uses by Eastsound Land Use District

Residential Uses by Eastsound Land Use District¹	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
Home Occupation	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	NO
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;	YES	YES	YES (only 1 per lot and only within the	YES	YES	YES	NO	YES	YES	YES	NO

Table 5 – Allowed Residential Uses by Eastsound Land Use District

Residential Uses by Eastsound Land Use District¹	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 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Accessory to an Allowable Use)			commercial structure)								
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	YES	NO

Table 5 – Allowed Residential Uses by Eastsound Land Use District

Residential Uses by Eastsound Land Use District ¹	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 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
									residential 1 unit per 5 acres. No in ERR 1 unit per 2 acres		
Unnamed Residential Uses	CUP	CUP	CUP	CUP	CUP	CUP	NO	CUP	CUP	CUP	CUP

1 ¹Uses 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 ¹	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
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 ¹	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
				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 District¹	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
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

Transportation Uses by Eastsound Land Use District¹	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
Unnamed Transportation Uses	CUP	CUP	CUP	CUP	CUP	CUP	YES	CUP	CUP	CUP	CUP

1 ¹Uses 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 ¹	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
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 ¹	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
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 ¹	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
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 ¹	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 ¹Uses 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

Agricultural and Forestry Uses by Eastsound Land Use District¹	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
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

Agricultural and Forestry Uses by Eastsound Land Use District¹	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
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

Agricultural and Forestry Uses by Eastsound Land Use District¹	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
Unnamed Agricultural and Forestry Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

1 ¹Uses 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.

45

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 Structures used for marijuana production or processing, and outdoor production operations shall
15 comply with the standards in Title 18 SJCC and this section. Unless specifically provided
16 otherwise, if the provisions of those standards conflict with other applicable state or local policies,
17 subarea plans, or other regulations, the most restrictive regulation controls.

18
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 minimized. A mechanical engineer licensed in the State of Washington shall
13 design the noise control system using standard industry practices such as installing fans with
14 components listed by Underwriters Laboratories (UL) and a combination of the following
15 techniques and components

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

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

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 using guidance from the National Air Filtration Association.
38 The odor control plan must incorporate a combination of the following site design practices, tools,
39 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;

- 1 3. Reduction of passive odor escapes by tightening and sealing structures;
- 2
- 3 4. Use of negative pressure techniques and air locks to reduce odors from escaping when
- 4 doors open;
- 5
- 6 5. Use of chillers that move water around structure and leave air in place instead of air
- 7 conditioning;
- 8
- 9 6. Installation of a carbon filter scrubbers to heating, ventilation and air conditioning systems;
- 10
- 11 7. Installation of dry vapor systems;
- 12
- 13 8. Installation of ionizers;
- 14
- 15 9. Use of mini-vapor screens on the interior, and vapor matic and vapor screens on the exterior
- 16 of structures;
- 17
- 18 10. Installation of a piping system on perimeter fencing that neutralizes malodorous molecules;
- 19
- 20 11. Installation of a gas phase filtration system; and
- 21
- 22 12. Installation of a fog system to disperse mixed water and odor neutralizing chemicals;
- 23

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

30
 31 **Section 8. Effective Date.**

32
 33 This Ordinance is effective on the 10th working day after adoption.

34
 35 **Section 9. Codification.**

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

37
 38 SJCC 18.30.460 Tables 1-8 in section 4 of this ordinance shall each be
 39 codified as a separate code section.

40
 41
 42
 43
 44
 45

1 ADOPTED this ____ day of _____, 2020.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTEST: Clerk of the Council

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Ingrid Gabriel, Clerk Date

Rick Hughes, Chair
District 2

REVIEWED BY COUNTY MANAGER

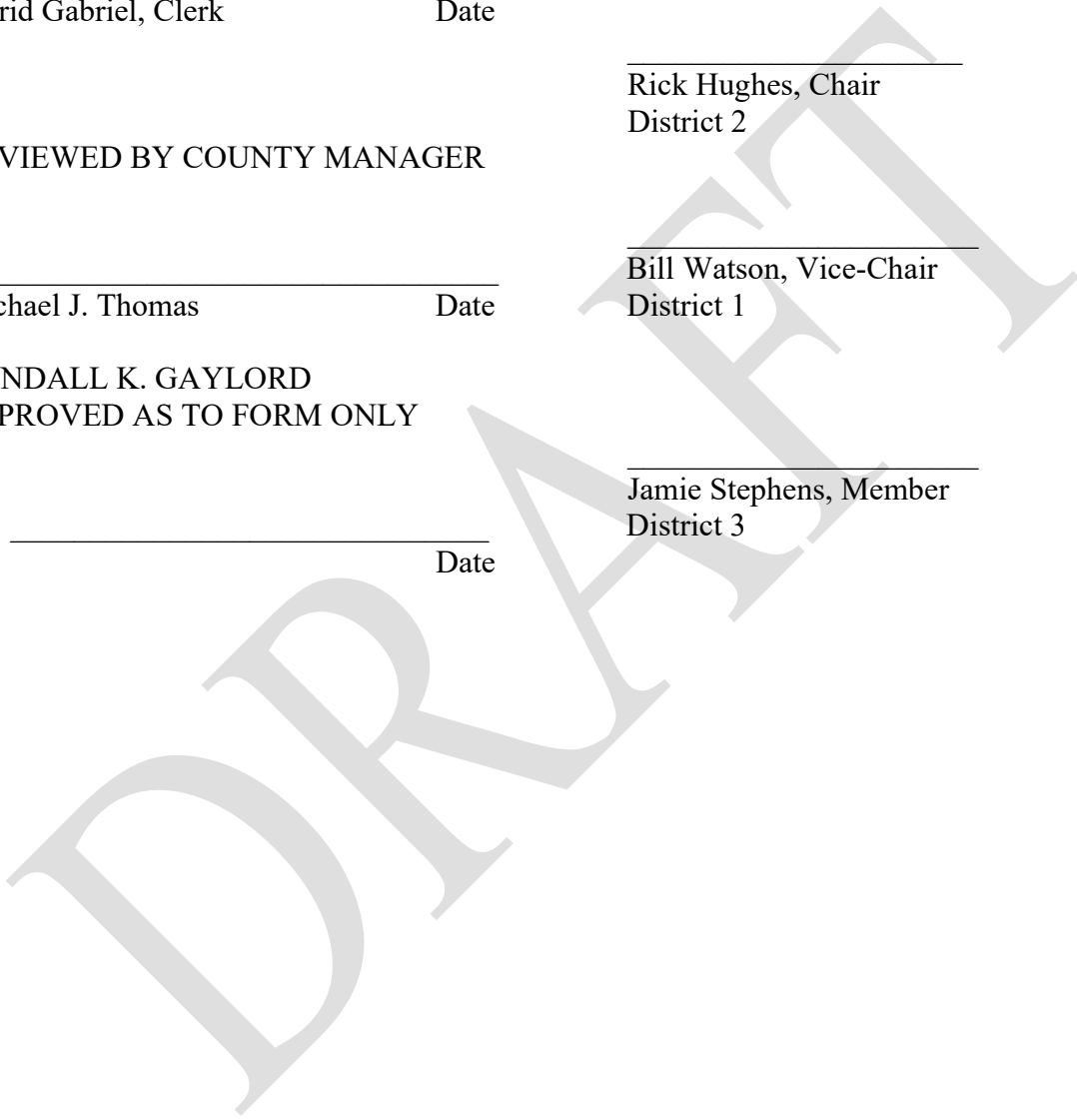
Michael J. Thomas Date

Bill Watson, Vice-Chair
District 1

RANDALL K. GAYLORD
APPROVED AS TO FORM ONLY

By: _____
Date

Jamie Stephens, Member
District 3





San Juan County Community Development & Planning

135 Rhone Street, P.O. Box 947, Friday Harbor, WA 98250 | cdp@sanjuanco.com
 (360) 378-2354 | (360) 378-2116 | Fax (360) 378-3922 | 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 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. 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 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) 378-3870. 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/1585/Marijuana> 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/1585/Marijuana>. 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. 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 LindaK@sanjuanco.com.
Legal No. SJ895349
Published: The Journal of the San Juan Islands, April 1, 2020

Here's a great idea!
Advertise with us!
SOUNDCLASSIFIEDS.COM 1-800-388-2327
classifieds@soundpublishing.com

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

Reach your goals,
Advertise today!
Over 85 percent of our community newspaper readers check the classified ads, and 73 percent of customers report an excellent response to a classified ad.
SOUNDCLASSIFIEDS.COM
1-800-388-2327 • classifieds@soundpublishing.com

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

Looking to get attention?
Try placing an ad in the classifieds!
Over 85 percent of our community newspaper readers check the classified ads!
SOUNDCLASSIFIEDS.COM
1-800-388-2327
classifieds@soundpublishing.com

State Environmental Policy Act (SEPA) Register

SEPA and NEPA documents posted by the Department of Ecology since 2000

Search (././) / 202001780 - San Juan County

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)

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.

© 2020 Washington State Department of Ecology - Shorelands Environmental Assistance Program



Close

THANK YOU

[Printer Friendly Version](#)

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

Yes. This is a consultant.

Consulting Firm Name

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

Submit

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 24TH 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



Attachment E
San Juan County Planning Commission

DRAFT
FINDINGS AND RECOMMENDATIONS

HEARING DATE: July 17, 2020
SUBJECT: 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
APPLICANT: San Juan County
LOCATION: San Juan County
COMMISSION MEMBERS PARTICIPATING: Camille Uhlir, Tim Blanchard, Steve Rubey, Michael Pickett, and David Kane

COMMUNITY DEVELOPMENT AND PLANNING

RECOMMENDATION: Approval

PLANNING COMMISSION

RECOMMENDATION: Approval

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS:

The San Juan County Planning Commission hereby recommends to the County Council, approval of the 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 as modified.

The vote of the Planning Commission on the above described recommendation is as follows:

Table with 5 columns: Name, Aye, Nay, Abstain. Rows for Camille Uhlir, Tim Blanchard, Steve Rubey, Michael Pickett, David Kane, all with 'X' in the Aye column.

RECOMMENDED this 17th day of July, 2020, which constitutes the date of the Planning Commission's action, per State law.

SAN JUAN COUNTY PLANNING COMMISSION

Chair or Vice-Chair

Date

Co-signor

Date



DRAFT
SAN JUAN COUNTY PLANNING COMMISSION MEETING
MINUTES OF THE JULY 17, 2020 MEETING

The meeting of the San Juan County Planning Commission was called to order by Chair, Camille Uhlir, at 8:32 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, and San Juan Island.

Planning Commission

Members Present: Present in person: Camille Uhlir. By Skype: Tim Blanchard, Michael Pickett, David Kane, and Steve Rubey.

Planning Commission

Member Excused: Dale Roundy.

Department of Community Development (DCD) Staff

Present: Present in person: Erika Shook, Director; and Lynda Guernsey, AS II. By Skype: Adam Zack, Planner III; and Sophia Cassam, Planner I.

Administrative Items

Confirm Agenda – No changes to agenda.

Minutes of June 19, 2020

Moved by Steve Rubey, seconded by Tim Blanchard, to approve the June 19, 2020 minutes as submitted. Michael Pickett – yes, David Kane – abstain, Steve Rubey – yes, Tim Blanchard – yes, and Camille Uhlir – yes. Motion passed with four yes votes, zero no votes, and one abstention (Kane). Motion passed.

DCD Update – Erika Shook, Director

1. Update as to how the Coronavirus issue is affecting DCD. Permits are slower but not all that much. Staff has been cross trained to help keep things going forward.
2. There are challenges with the Skype for Business approach to meetings and the County is moving toward using Microsoft Teams. Practice meetings will be scheduled so the transition goes smoothly.
3. For August’s meeting policy issues will be brought forward for the Planning Commission’s review. There will be a separate policy sheet for each issue.

Erika Shook then responded to questions and comments from the Planning Commission.

Public Access Time – There was no one to speak.

Public Hearings:

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 - Adam Zack, Planner III

Adam Zack gave a presentation on the draft ordinance regarding the regulation of marijuana production and processing.

Public testimony was opened and as there was no one to speak, closed with the option to reopen.

Adam Zack responded to questions and comments from the Planning Commission.

Deliberations

The Planning Commission went through the ordinance and accepted, by consensus, the staff changes in the ordinance, Sections 1 through 4, 9 and 10, and new Sections 5 through 8, with some changes in Section 7. The changes to Section 7 are:

Section 7, Item F. – To add the sentence from item H that reads: A mechanical engineer licensed in the State of Washington shall design the odor control system ~~and consider~~ guidance from the National Air Filtration Association. Delete the words “and consider” and replace with the word “using” from the sentence. Delete the word “muffled” in the second sentence and replace with the word “minimized”.

Section 7, Item H. – To delete the words “and consider” and replace with the word “using” from the second sentence.

Section 7, Item I., 2. – Delete number 2.

Moved by Camille Uhlir, seconded by David Kane, to recommend approval of the 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 as modified, and forward to the County Council. Tim Blanchard – yes, David Kane – yes, Michael Pickett – yes, Steve Rubey – yes, and Camille Uhlir – yes. Motion passed unanimously.

Note: Section 7 of the Ordinance with Planning Commission changes is attached to these minutes.

2020 Annual Docket: Proposed Amendments to the SJC Development Regulations and Comprehensive Plan -- Sophia Cassam, Planner I

Sophia Cassam gave a presentation on the 2020 Annual Docket proposed amendments.

Public testimony was opened and as there was no one to speak, closed with the option to reopen.

Sophia Cassam responded to questions and comments from the Planning Commission.

Deliberations

Moved by Tim Blanchard, seconded by David Kane, to recommend approval of the 2020 annual docket as presented in the staff report dated July 2, 2020 and forward to the County Council. Tim Blanchard – yes, David Kane – yes, Michael Pickett – yes, Steve Rubey – yes, and Camille Uhlir – yes. Motion passed unanimously.

Briefings about the San Juan County Comprehensive Plan 2036 Update Project:

Section B.2, Preliminary Draft Land Use and Rural Element - Adam Zack, Planner III

Adam Zack gave a presentation on the preliminary drafts and responded to question and comments from the Planning Commission.

Adjournment

Moved by Michael Pickett, seconded by Steve Rubey, to adjourn the meeting at 11:09 a.m. and the motion passed unanimously. The next meeting of the Planning Commission is scheduled for Friday, August 21, 2020, at 8:30 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, San Juan Island.

Respectfully submitted,

Lynda Guernsey

Attachment A: Section 7 of the Draft Marijuana Ordinance with Planning Commission changes.

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

3
4 **Marijuana production and processing – performance standards.**

5
6 Structures used for marijuana production or processing, and outdoor production operations shall
7 comply with the standards in Title 18 SJCC and this section. Unless specifically provided
8 otherwise, if the provisions of those standards conflict with other applicable state or local policies,
9 subarea plans, or other regulations, the most restrictive regulation controls.

10
11 A. Fixtures illuminating production or processing operations shall direct light away from
12 adjoining properties, critical areas and public roads consistent with SJCC 18.60.170 and
13 Chapter 18.35 SJCC.

14
15 B. The landscaping requirements of SJCC 18.60.160 apply. In addition, a Type A landscaping
16 screen described in SJCC 18.60.160(D)(1) is required to surround indoor production or
17 processing facilities and outdoor production operations. The landscaping screen shall be
18 located outside of the State’s required security fence to provide a visual barrier. Upon
19 submittal of a written request, the director may authorize modifications to the landscaping
20 requirements of this section and may place conditions on a permit as needed to
21 accommodate the modification. When considering the request for a landscape
22 modification the director may consider:

23
24 1. Physical circumstances or constraints of the property and surrounding area such as site
25 topography and soils;

26 2. Alternative plants and trees that would accomplish the purposes of the required
27 landscaping;

28 3. Flexibility in the size of initial plantings;

29 4. Existing vegetative buffers or physical barriers that meet the intent of the Type A
30 landscaping; and

31 5. The need for the landscaping based on existing uses and development.

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

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

1 E. Permit applications shall include documentation of compliance with the water system
2 requirements of SJCC 18.60.020 and waste disposal regulations in WAC 314-55-097,
3 SJCC 18.60.020 and Chapter 8.14 SJCC.
4

5 F. Producers and processors shall comply with Chapter 9.06 SJCC. Fan noise from their
6 operations shall be ~~muffled~~ minimized. A mechanical engineer licensed in the State of
7 Washington shall design the noise control system using standard industry practices such as
8 installing fans with components listed by Underwriters Laboratories (UL) and a
9 combination of the following techniques and components

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

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

20 H. Producers and processors shall minimize the odors emitted from structures by using best
21 management practices and technology. A mechanical engineer licensed in the State of
22 Washington shall design the odor control system ~~and consider using~~ guidance from the
23 National Air Filtration Association. The odor control plan must incorporate a combination
24 of the following site design practices, tools, or other newly improved technologies to
25 mitigate odors:
26

- 27 1. Placement of operations after consideration of predominant wind directions;
- 28 2. Installation of additional vegetative buffers around grow areas;
- 29 3. Reduction of passive odor escapes by tightening and sealing structures;
- 30 4. Use of negative pressure techniques and air locks to reduce odors from escaping when
31 doors open;

- 1 5. Use of chillers that move water around structure and leave air in place instead of air
2 conditioning;
- 3
- 4 6. Installation of a carbon filter scrubbers to heating, ventilation and air conditioning systems;
- 5
- 6 7. Installation of dry vapor systems;
- 7
- 8 8. Installation of ionizers;
- 9
- 10 9. Use of mini-vapor screens on the interior, and vapor matic and vapor screens on the exterior
11 of structures;
- 12
- 13 10. Installation of a piping system on perimeter fencing that neutralizes malodorous molecules;
- 14
- 15 11. Installation of a gas phase filtration system; and
- 16
- 17 12. Installation of a fog system to disperse mixed water and odor neutralizing chemicals;
- 18
- 19 I. Traffic impacts to public and private roads in the rural and natural resource land use designations
20 shall be limited. Only traffic intensities identified as low level impacts in SJCC 18.80.090 Table
21 8.2 shall be allowed on private roads. Only traffic intensities identified as having medium level
22 impacts in SJCC 18.80.090 Table 8.2 shall be allowed on public roads. The administrator may
23 consult with the County engineer and recommend permit conditions needed to address public road
24 impacts such as requiring:
25
- 26 1. Continuing maintenance; or
- 27
- 28 ~~2. Installation of road improvements prior to the County's issuance of an occupancy or~~
29 ~~land use permit if traffic volumes will exceed ten trips per day from the operation.~~
- 30

Linda Ann Kuller

From: Lisa Guard <guardfarm@gmail.com>
Sent: Monday, March 2, 2020 5:06 PM
To: Linda Ann Kuller
Subject: Marijuana Regulations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Linda,

My husband and I live next to a grow facility, the owners are nice and have always been good communicators regarding their grow facility. However, when we were reading the draft recommendations we didn't see anything regarding smell and noise.

Honestly our neighbors do a good job and follow the rules the county has put in place, but they are allowed to grow outside in hoop structures so we end up with a very stinky yard all summer.

We like to have our windows and doors open during the summer especially at night but often find the smell too strong to leave our windows open.

We also encounter loud fan noise. We think this comes from the building but are not sure.

Can you let us know if this has been discussed?

Although we like our neighbors we sure hope that they are not able to expand the production. The smell coming from the facility really disrupts our quiet pleasure we seek on the warm summer nights.

Thank you in advance,
Rex & Lisa Guard

Adam Zack

From: Elisabeth Robson <bethrobson@gmail.com>
Sent: Wednesday, July 1, 2020 8:00 AM
To: Marijuana Comments
Subject: Marijuana Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Adam,

I am writing to comment on the upcoming SJC hearing on marijuana production and processing regulations.

I would like to express my support to ban both marijuana production (at the farm/industrial scale) and processing in SJC completely.

When WA state voted to legalize marijuana, I voted against it, not because I have an issue with people smoking pot now and then or with home grown pot (i.e. a very small amount in someone's back yard). The issue I have is that legalizing marijuana encourages the growth of marijuana at industrial scale, as a cash crop. We have seen this happen in other places, even where it is illegal (e.g. northern CA), as well as where it is legal.

Industrial agriculture, no matter where it takes place and no matter what crop is grown, is terrible for the environment. Prior to the state vote on marijuana, I studied the impacts of industrial marijuana growth on the environment in other locations and quickly came to the conclusion that it is unsustainable for the environment, terrible for wildlife, and pretty awful for the humans that live nearby too. So, I voted against it for the state at the time.

Since that time I have seen more proof that industrial marijuana farming and processing is bad for the environment. For instance, northern CA populations of various wild animals and birds have been dramatically impacted by water pollution, light pollution, and pesticide and herbicide use associated with industrial marijuana farming.

I also think that industrial marijuana farming in this county will encourage some nefarious characters to move here. Certainly not everyone associated with the business is "nefarious" but I think some are, and I would be very sad to see our communities be impacted by that.

Thank you,
Elisabeth Robson

Adam Zack

From: Juliene Gschwend <juliene_gschwend@msn.com>
Sent: Thursday, July 16, 2020 3:45 PM
To: Marijuana Comments
Subject: Marijuana Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I am writing in support of the proposed San Juan County marijuana ordinance.

Thank you for the time and effort required to craft a comprehensive and much needed ordinance.

The only thing I would add to it is some wording for Hemp growing and processing, since it is very similar in appearance, causes the same odor and water requirements, and also because the state has decided not to require THC content testing this year in Hemp due to testing capabilities/capacity (it is supposed to be low in THC), but I know Hemp is in the Agriculture area and probably can't be addressed with this.

Best,
Juliene

Juliene Gschwend
1361 Lopez Sound Road
Lopez Island WA 98261

Sent from [Mail](#) for Windows 10

Adam Zack

From: Carol Deckelbaum <carol@caroldeckelbaum.com>
Sent: Thursday, July 16, 2020 7:27 AM
To: Marijuana Comments
Subject: Marijuana Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the San Juan County Planning Commission :

I am writing today to express my full support and gratitude for the proposed marijuana production and processing regulations. As written and if codified, our county will have taken some of the most basic and important safeguards to ensure that this new industry does not overtake agricultural food production in our small communities, as well as protect our environment from chemicals, over water-usage and odors.

Thank you all for your hard work and for remaining diligent on this issue. It is truly appreciated.

Carol Deckelbaum
111 Gallanger Place
Lopez island, WA. 98261

Sent from my 