

**MEETING MINUTES**  
**SAN JUAN COUNTY (SJC), WASHINGTON**  
**COUNTY COUNCIL**  
**MONDAY, AUGUST 3, 2015**

**Legislative Hearing Room, 55 Second Street, Friday Harbor, WA**

**09:00 AM CALL TO ORDER & FLAG SALUTE**

Council Chair Jarman called the meeting to order at 9:00 AM. Present: Council Members Bob Jarman, Rick Hughes and Jamie Stephens; County Manager Mike Thomas, Clerk to the Council Ingrid Gabriel and interested members of the public.

**New Employee Introduction:** Personal Health Services Manager Ellen Wilcox introduced Candace Downey, Health & Nutrition Specialist, Health & Community Services.

**Citizens Access:** The following citizens submitted comments: Jerry Rasmussen, Laura Jo Severson, Jenny Rice, Kyle Loring, Tina Whitman, Rhonda Zygokey, Sandy Strehlou, David Rice, Peggy Bill, John Nippolt, Ana Malinoff, Candace Jagel, Brent Snow.

**09:52 AM CONVENE LOPEZ SOLID WASTE DISPOSAL DISTRICT GOVERNING BOARD**

Chair Jarman recessed the San Juan County Council meeting and convened the Lopez Solid Waste Disposal District (LSWDD) Governing Board meeting.

**ACTION:** Lopez Solid Waste Disposal District (LSWDD) 2016 Levy Resolution – Bruce Creps, LSWDD Chair (attending via teleconference)

Mr. Creps presented the Resolution and answered Council's questions. After discussion, the Council took the following actions:

**MOVED by Mr. Stephens, seconded by Mr. Hughes to accept the recommendation of the Managing Board of the Lopez Solid Waste District to adopt the 2016 Excess Levy. ALL AYES; MOTION CARRIED.**

**MOVED by Mr. Stephens, seconded by Mr. Hughes to approve a Resolution Providing for the Submission to the Voters of Lopez Solid Waste Disposal District a Proposition Authorizing the Imposition of a One Year Property Tax Levy as Allowed for by RCW 36.58.150. ALL AYES; MOTION CARRIED.**

Chair Jarman adjourned the LSWDD Governing Board meeting and reconvened the County Council meeting.

**09:59 AM DISCUSSION:** Marijuana & Greenhouse Regulations Update – Elizabeth Anderson, Planner IV; Sam Gibboney, Director of Community Development

Ms. Anderson and Ms. Gibboney presented the Update and answered Council's questions. The Council made comments, identified major concerns, asked for further clarification and provided further direction on the draft code including the following issues:

- Should we define marijuana processing as an agricultural activity, or as a unique activity?
- Should we limit the draft regulations to recreational marijuana, since the state medical regulations now more closely resemble the recreational regulations?
- Concerns with listing tiers by specific square footage as a basis for County regulation, because the state may change the exact numbers that divide tiers;
- As an emerging industry, would simply listing activities as consistent with state regulations be a better way to keep local regulations current?

## **DEFINITIONS & LAND USE DESIGNATIONS**

### ***ATTACHMENT C: Draft Regulations for Recreational Marijuana Production and Processing for County Council Review – July 27, 2015 Draft***

#### **Mr. Jarman:**

- Need clear definitions for land use that are consistent with the State – is marijuana production an agricultural, commercial, or industrial activity?
- Consider that outdoor grow operations are agricultural activities, while indoor grow operations are commercial or industrial activities;
- Marijuana production is an emerging industry - treat it separately and clarify it.

#### **Mr. Hughes:**

- Maintain Washington state's lead in permitting the industry and don't lose that advantage by creating regulations or restrictions that set ourselves back;
- Other counties' regulations are not the models for what is appropriate for San Juan County; the Council should craft regulations that reflect the needs of SJC citizens;
- Definition 1 in attachment C – change the word "building" to "structure".
- Identification of the land use should reflect how the marijuana is grown...if marijuana is grown in soil, the activity is agricultural; if marijuana is grown in an industrial environment, the activity should be defined as industrial;
- Believes that marijuana production should be classified as both an agricultural and an industrial activity.

#### **Mr. Stephens:**

- Where marijuana is produced should determine its land use designation, i.e., if marijuana is grown in soil outdoors it should be categorized as an agricultural activity;
- Defining marijuana under agricultural activity is acceptable;
- Identified inconsistencies in the description of greenhouses, non-rigid greenhouses and temporary growing structure;

- Noted that it would be helpful for both the Eastsound Planning & Review Committee, Lopez Village Planning and Review Committee and the Deer Harbor Planning and Review Committee to be informed and weigh in on any proposed regulations affecting their sub-area plans;

The Council concurred that marijuana production would remain as an agricultural use, However, it would also be regulated as a “distinct” agricultural use nested in the land use table under Agricultural Use.

## **LAND USE TABLES**

The Council asked about the number of parcels in qualifying land use districts. Additionally, Council asked Staff to factor the lot sizes and numbers of parcels in designations in the analysis.

Ms. Gibboney asked the Council to confirm her understanding that the Council wanted to prohibit outdoor production within activity centers and indoor production within the Village Industrial or Hamlet Industrial activity centers.

### **Mr. Stephens:**

- Nurseries are allowed in Village and Hamlet commercial areas and in Island Centers – if marijuana is an agricultural product, should it also be allowed in commercial designations?
- Asked Staff to document that the land use table recommendations are consistent with the comprehensive plan;
- Asked that “No” remain all the way across the table on the Tier 3 row of Table 3.1, because it interferes with planned development density.

### **Mr. Hughes:**

- Recommended “Yes” for Village and Hamlet Industrial Centers and for Island Centers;
- Wants to remove the qualifier distinguishing marijuana as being “recreational”.

**12:19 PM RECESS**

**01:33 PM ACTION:** Accepting Donation of Reiss Property, San Juan Island – Lincoln Bormann, Director Land Bank

Mr. Bormann presented the Donation and answered Council’s questions. After discussion, the Council took the following action:

**MOVED by Mr. Stephens, seconded by Mr. Hughes to approve a Resolution to acquire and accept the deed for the Reiss property on San Juan Island. ALL AYES; MOTION CARRIED.**

**01:44 PM PRESENTATION:** Land Bank Annual Report - Lincoln Bormann, Director Land

Bank

Mr. Bormann presented the report and answered Council's questions.

**02:10 PM DISCUSSION:** 2015 Budget Amendments (2<sup>nd</sup> Touch Review) – Milene Henley, Auditor

Ms. Henley presented the Amendments and answered Council's questions.

**02:47 PM DISCUSSION:** SJC Council Procedural Guidelines for Citizens Access Time – Council

Council reviewed the draft Guidelines. After discussion, the Council took the following action:

**MOVED by Mr. Hughes, seconded by Mr. Stephens to approve the San Juan County Council's Procedural Guidelines for Citizens Access time with changes to line 4, removing "address" and adding "all comments directed to the Council." ALL AYES; MOTION CARRIED**

**03:00 PM PRESENTATION:** LEAN Proposal – Sam Gibboney, Director Department of Community Development

Director of Community Development Sam Gibboney and Community Development Office Manager Lisa Brown presented the Proposal and answered Council's questions.

**04:02 PM ACTION:** To Consider a Resolution (Pertaining to the Joint Operation of the Public Safety Boat Between the Sheriff's Office and Fire Districts No. 3 & 5) and Approve an Interlocal Agreement (Between San Juan County, San Juan Fire Protection District #3 and San Juan Fire Protection District #5: Providing for the Joint Operation of a Public Safety Boat) – Mike Thomas, County Manager

As a District Fire Commissioner, Mr. Jarman recused himself to avoid the appearance of a conflict of interest, and left the hearing room. Vice Chair Stephens presided over the meeting. Mr. Thomas presented the Resolution and answered Council's questions. After discussion, the Council decided to postpone action until August 4<sup>th</sup>. Mr. Jarman rejoined the meeting after discussion ended.

**04:26 PM EXECUTIVE SESSION:** To discuss with legal counsel litigation or potential litigation pursuant to RCW 42.30.110(1)(i) – Jon Cain, Deputy Prosecuting Attorney

At 4:26 PM, Council Chair Jarman announced that the Council would be holding an executive session estimated to last 20 minutes.

**Present:** Council, County Manager Mike Thomas, Land Bank Director Lincoln Bormann and Clerk to the Council Ingrid Gabriel.

The session ended at 04:57 for a total executive session time of 61 minutes.

**No Action was taken.**

Ms. Gabriel stepped out of the hearing room and announced that the executive session had ended. Chair Jarman called the meeting back into regular session and then adjourned the meeting.

**04:57 PM    ADJOURN**

Mr. Jarman adjourned the meeting.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on October 5, 2015. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**