

Skagit County Planning Commission's Recorded Motion Regarding Permanent Regulations for Marijuana Facilities

Proposal publish date:	March 12, 2015
Proposal name:	Permanent Regulations for Marijuana Facilities
Documents available at:	http://www.skagitcounty.net/marijuana
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, April 7, 2015, at 6 p.m.
Written comment deadline:	Thursday, April 9, 2015, at 4:30 p.m.
PC deliberations:	Tuesday, April 21, and Tuesday, May 5, 2015

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Findings of Fact and Reasons for Action

1. Outdoor growing of marijuana creates substantial impacts on neighboring properties as well as other considerations, e.g., required security fences and additional water usage, and should not be allowed.
2. Medical marijuana collective gardens (a) are not actually authorized by state law due to the governor's veto of the required patient registry system, (b) operate free of any state regulation, and (c) will be formally prohibited by new state legislation as of July 2016. Therefore only marijuana facilities licensed by the Liquor Control Board should be allowed in Skagit County, with appropriate exceptions for the new "marijuana cooperatives."
3. Marijuana processing or extraction involving flammable or combustible liquids or gases should not be allowed in areas where the chemicals and explosions may affect neighboring properties.
4. Marijuana growing or processing should not be allowed to produce odors that are detectable off the premises.
5. Although security cameras are a reasonable requirement by the Liquor Control Board to ensure security of marijuana facilities, neighboring properties should not be observed by such cameras.
6. Special use permits are a reasonable way to regulate land uses when the uses are expected to have impacts on neighboring properties because the uses are not uniform or the zone is not developed uniformly, e.g. where many residential uses are present in a non-residential zone.

7. Marijuana production and processing facilities are most similar in their impacts to industrial uses, and should primarily be allowed in zones where other industrial uses are allowed.
8. Marijuana retail facilities are most similar in their impacts to other retail uses and should be allowed in zones where retail uses are allowed.
9. The ordinance should address recent legislation approved by the Legislature and expected to be approved by the Governor allowing medical marijuana to be grown at home by qualifying patients.
10. Marijuana growing requires significant water. The impacts of water use and processing should be addressed.
11. Medical marijuana cooperatives with up to four people and sixty plants are likely to have significant impacts similar to businesses.
12. Transparent structures and security fencing are likely to have a more significant impact on neighboring residences than opaque buildings due to lighting, odor, aesthetics, and noise.
13. Marijuana growing and processing produces potentially significant odors.
14. Marijuana production and processing facilities are incompatible with the rural landscape and rural residential communities.
15. Marijuana processing involving hazardous chemicals creates a potential explosion hazard, even when conducted in a closed loop system, especially when leaks may not be easily detectable.
16. Marijuana production should not be allowed on Guemes Island due to the limited aquifer and possibility of groundwater contamination from fertilizer, pesticides, and waste.

Recommendation

The Planning Commission recommends that the Board of County Commissioners **approve** the proposal with the following changes:

1. The zones where marijuana facilities are allowed should be as follows:

<i>Zone</i>	<i>Retail</i>	<i>Production/Processing in an Opaque Structure</i>	<i>Production/Processing in a Translucent Structure</i>
Agricultural—Natural Resource Lands (Ag-NRL)	X	AD, only in structures existing as of 1/1/2014	X
Bayview Ridge Light Industrial (BR-LI)	X	P; AD when within 1000 ft of a residential zone or a residence	P; HE when within 1000 ft of a residential zone or a residence
Bayview Ridge Heavy Industrial (BR-HI)	X	P	P
Hamilton Industrial (H-I)	X	AD	HE
Natural Resource Industrial (NRI)	X	X	X
Rural Business (RB)	AD	X	X
Rural Center (RC)	AD	X	X
Rural Freeway Service (RFS)	P	X	X
Rural Resource—Natural Resource Lands (RRc-NRL)	X	X	X
Rural Village Commercial (RVC)	AD	X	X
Urban Reserve Commercial-Industrial (URC-I)	AD	HE	X


2. Increase the notice radius for special use permits for marijuana facilities to 1000 feet.
3. Prohibit hazardous chemical processing in any zone other than BR-HI.
4. Add a paragraph to SCC 14.16.855 requiring the Fire Marshal to notify the local fire district or other fire authority whenever the Department approves a permit for any Marijuana Production or Processing Facility.
5. Add “appropriate disposal of the waste and byproducts of production and processing” to the list of special use permit considerations.
6. A production or processing facility and any security fencing must be set back at least 400 ft from a residence not owned by the facility operator.
7. Change the definition of Marijuana Production Facility to exclude Marijuana Cooperatives and marijuana grown at home for medical use consistent with state law.
8. Change the definition of Marijuana Processing Facility to exclude Marijuana Cooperatives and marijuana processed at home for medical use consistent with state law.
9. Change the definition of Marijuana Production/Processing Facility to mean any combination of a Marijuana Production Facility and a Marijuana Processing Facility.

10. Create a new definition of Marijuana Cooperative consistent with state law.
11. Rename new section SCC 14.16.855 to "Marijuana and Marijuana Facilities."
12. Add a paragraph to that section allowing the medical growing of marijuana at home when done consistent with state law but prohibiting any hazardous chemical processing anywhere other than a Marijuana Processing Facility and prohibiting medical marijuana cooperatives in all zones.
13. Add a paragraph to that section prohibiting the "growing or processing of marijuana and keeping marijuana plants not in compliance with state law governing the growing of medical marijuana at home."
14. Add a paragraph to that section prohibiting "the storage or growing of plants if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit."

This recorded motion approved May 5, 2015:

Commission Vote	Support	Oppose	Absent	Abstain
Josh Axthelm, Chair	✓			
Keith Greenwood, Vice Chair	✓			
Amy Hughes	✓			
Annie Lohman	✓			
Matt Mahaffie			✓	
Kathy Mitchell	✓			
Kevin Meenaghan			✓	
Tammy Candler	✓			
Robert Temples			✓	
Total	6	0	3	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Josh Axthelm, Chair

5/5/15
Date



Dale Pernula, Secretary

5/5/15
Date