

## OKANOGAN COUNTY COMMISSIONERS'

### ORDINANCE 2018-12

*An ordinance adopting revisions to OCC 17A.290 Cannabis Operations and OCC 17A.220 District Use Chart as interim land use controls, scheduling a public hearing as required by RCW 36.70.795 and repealing ordinance 2018-2.*

**WHEREAS:** Okanogan County has seen a proliferation of cannabis operations in the unincorporated areas since the legalization of cannabis through the adoption of I-502, and

**WHEREAS:** The Revised Code of Washington 36.70 (Planning Enabling Act) authorizes counties to adopt land use controls within the unincorporated areas, and

**WHEREAS:** The Okanogan Board of County Commissioners (BOCC) adopted a revised zone code OCC 17A.290 and OCC 17A.220 regulating the siting and operations of cannabis growing, producing, processing, or retail operations in July of 2016, and

**WHEREAS:** The BOCC finds, based on complaints from members of the cannabis industry, that the current local land use regulations do not provide an acceptable level of guidance and certainty for those applying for cannabis operation permits, and

**WHEREAS:** THE BOCC finds, based on numerous complaints from members of the public that current local land use regulations concerning cannabis do not provide adequate controls over the siting of cannabis operations or the continued operation of non-conforming sites, and

**WHEREAS:** The BOCC adopted resolution 103-2017 imposing a moratorium on cannabis operations and set a public hearing to take comment, and

**WHEREAS:** The BOCC conducted a public hearing and subsequently adopted resolution 145-2017 amending the scope of the moratorium and extending it until December 26, 2017, and

**WHEREAS:** The BOCC finds that an advisory committee consisting of cannabis industry representatives and other interested members of the public was formed and charged with the task of reviewing OCC 17A.290 Cannabis Operations, OCC 17A.220 District Use Chart, and OCC 17A.330 Legal Pre-existing Uses and Lots for the purpose of proposing revisions to avoid the adverse impacts of siting cannabis operations in areas where they are not compatible with surrounding land uses and to increase the guidance hence certainty for those applying for cannabis permits, and

**WHEREAS:** The advisory committee has met weekly since August 2017 and had made significant progress towards drafting a revised code section 17A.290, 17A.220, and 17A.330, and

**WHEREAS:** The BOCC conducted a public hearing on December 11, 2017 to consider whether the moratorium imposed through resolution 103-2017 should be continued, and

**WHEREAS:** The BOCC has concerns that marijuana operations that are incompatible with adjoining and neighboring residential uses may be vested and sited prior to the adoption of stricter local land use controls, and

**WHEREAS:** The Revised Code of Washington 36.70.795 (Planning Enabling Act) authorizes Counties to impose temporary moratoriums to promote and protect the public health, safety, and welfare by preventing the vesting of applications under existing regulations, and

**WHEREAS:** The BOCC determined the moratorium imposed through resolution 103-2017 and as amended by resolution 145-2017 should continue in effect until March 5, 2018 or until otherwise repealed or extended, and

**WHEREAS:** The BOCC adopted resolution 147-2017 extending the moratorium, and

**WHEREAS:** The Cannabis Advisory Committee completed and proposed revisions to OCC 17A.290 Cannabis Operations and OCC 17A.220 District Use Chart, and

**WHEREAS:** The Cannabis Advisory Committee presented the revised code sections to the BOCC on February 12, 2018 with a recommendation to repeal the moratorium and adopt interim revisions to OCC 17A.290 and OCC 17a.220, and

**WHEREAS:** A public hearing was conducted on February 26, 2018 to consider whether to extend the moratorium and to review the recommendation of the Cannabis Advisory Committee, and

**WHEREAS:** After review of the comments and testimony received the BOCC directed staff to prepare an ordinance adopting revisions to OCC 17A.290 Cannabis Operations and OCC 17A.220 District Use Chart as interim controls and a resolution repealing the moratorium, and

**WHEREAS:** On February 27, 2018 the BOCC adopted ordinance 2018-2 which adopted the revisions as interim land use controls, and

**WHEREAS:** On February 27, 2018 the BOCC adopted Resolution 24-2018 which repealed the moratorium on certain cannabis operations, and

**WHEREAS:** RCW 36.70.795 requires a board that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, and

**WHEREAS:** The BOCC conducted a public hearing on April 9, 2018 to take testimony regarding the interim land use controls adopted by Ordinance 2018-2, and

**WHEREAS:** At the conclusion of the public hearing the BOCC found it was in the best interest of the public that the interim controls adopted by Ordinance 2018-2 remain in place while the proposed amendments completed the public review process, and

**WHEREAS:** The SEPA Responsible Official issued a threshold determination of non-significance and a notice of proposal regarding the proposed revisions to OCC 17A.290 Cannabis Operations and OCC 17A.220 District Use Chart, and

**WHEREAS:** After review of the comments received the SEPA Responsible Official issued a final determination of non-significance and scheduled a public hearing with the Okanogan County Regional Planning Commission on May 14, 2018, and

**WHEREAS:** Due to the emergency declared for flooding in Okanogan County the public hearing with the Okanogan County Regional Planning Commission was continued to June 25, 2018 and

**WHEREAS:** The Okanogan Regional Planning Commission conducted a public hearing on June 25, 2018 to take testimony regarding the proposed amendments to OCC 17A.290 Cannabis Operations and OCC 17A.220 District Use chart, and

**WHEREAS:** After hearing the testimony of those present and wishing to be heard and the written materials submitted the planning commission began deliberations and concluded additional information was necessary. The planning commission members requested that tours be scheduled on some of the marijuana farms so the planning commission members could view the operations. The public hearing was continued to July 23<sup>rd</sup>, 2018 to 5:00 p.m. to conduct tours at 1104 Old Hwy 97, Brewster WA and 99 Greenacres Rd, Riverside, WA. Two members of the public accompanied the planning commission members on their tour, and

**WHEREAS:** The Okanogan County Regional Planning Commission convened their regular meeting at 7:23 p.m. on July 23, 2018 to deliberate on the proposed amendments to OCC 17A.290 and OCC 17A.220. Photographs of several cannabis operations were displayed to the planning commission and members of the public present. The planning commission continued their deliberations, and

**WHEREAS:** Some members of the planning commission believed that the restrictions against citing marijuana grow operations in high density areas was sufficient to protect those areas it would not protect high density areas from the impacts of operations cited adjacent to them, and

**WHEREAS:** The members of the planning commission discussed buffers and bigger setbacks but decided that site specific evaluation was appropriate as each situation was potentially different. After much discussion the planning commission amended the proposed regulation to require a conditional use permit in the R-1 and Methow Review District Zone, and

**WHEREAS:** The planning commission discussed code enforcement, both as it relates to cannabis operations and as it relates to the zone code generally. After much discussion the planning commission amended the proposed regulation by adding a specific enforcement section, and

**WHEREAS:** After additional discussion the planning commission approved the proposed amendments to OCC 17A.220 District Use Chart and OCC 17A.290 Cannabis Operations and transmitted them to the BOCC for their review, and

**WHEREAS:** A public hearing was scheduled with the BOCC on August 27, 2018 at 1:30 p.m. in the Commissioners Auditorium in the Virginia Grainger Building, and

**WHEREAS:** After considering testimony from those present and wishing to be heard and reviewing the written materials presented the BOCC discussed the proposed revision, and

**Whereas:** The BOCC determined that additional work was required to resolve several issues, and

**WHEREAS:** The BOCC determined that remanding the proposed revisions to OCC 17A.220 District Use Chart and OCC 17A.290 Cannabis Operations to the regional planning commission for further review was necessary, and

**WHEREAS:** The BOCC determined that adopting the recommendation of the planning commission regarding the proposed amendments to OCC 17A.220 District Use Chart and OCC 17A.290 as interim land use controls was in the best interest of the public,

**BE IT THEREFORE ORDAINED:** The Okanogan County Board of County Commissioners adopts the proposed amendments to Okanogan County Code 17A.220 District Use Chart and OCC 17A.290 Cannabis Operations found as Attachment A and attachment B to this ordinance as interim land use controls as authorized by RCW 36.70.795 and,

**BE IT FURTHER ORDAINED:** Ordinance 2018-2 is hereby repealed and,

**BE IT FURTHER ORDAINED:** A public hearing is scheduled for September 17, 2018 at 2:00 p.m. in the Commissioner's auditorium of the Virginia Grainger Building to take public testimony regarding the adopted amendments to OCC 17A.220 and OCC 17A.290 as interim land use controls and,

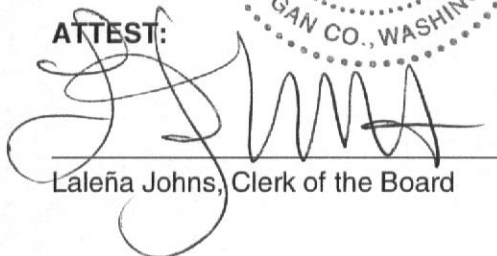
**BE IT FURTHER ORDAINED:** The proposed amendments to OCC 17A.220 and OCC 17A.290 are remanded to the Okanogan County Regional Planning Commission for further review of the regulation as it relates to the issues of 1) lighting, 2) noise, 3) density/size of farms, 4) defining reasonable impacts from odor, 5) traffic.

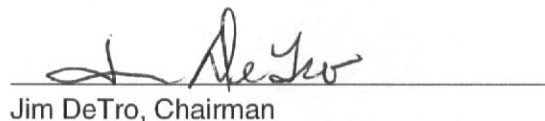
**ORDERED** at Okanogan, Washington this 28 day of August, 2018.

**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**



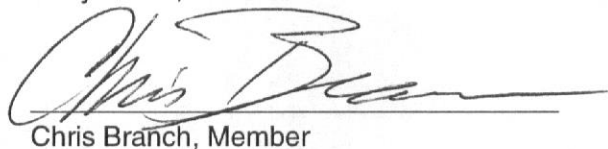
**ATTEST:**

  
Laleña Johns, Clerk of the Board

  
Jim DeTro, Chairman

**ABSENT**

Andy Hover, Member

  
Chris Branch, Member

## ATTACHMENT "A"

LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
P	Permitted																	
Acid manufacturing		C	C	C	C													
Adult care facility		P	P	P	P	P	P	C	C	C	C		C		P		P	P
Agricultural related industry		P	P	P	P	P		P	P	C	P				C		P	P
Air cargo terminal		P	P	P	P	C			C			P						
Air passenger services		C	C	C	C	C			C			P						
Aircraft fuel pumps and fuel storage		C	C	C	C	C			C		C	P					C	C
Aircraft hangars		P	P	P	P	C			C		C	P					C	C
Aircraft sales, repair, service		P	P	P	P	C		P	C			P						
LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Aircraft salvage		P	P	P	P	C		P	C			P						
Airports		C	C	C	C	C			C		C	P						
Airstrips		P	P	P	P	C					C	P			P		C	C
Animal disposal facility		C	C	C	C	C					C							
Apiary farms (bee farms)		P	P	P	P	P				P	P				P		P	P
Asphalt batch plant – permanent		C	C	C	C	C			C		C							
Asphalt batch plant – temporary <sup>1</sup>		C	C	C	C	C			C		C						C	C



LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
P	Permitted																	
C	Conditional Use Permit																	
		P	P	P	P			C	C		C	P			P	P		
		P	P	P	P			P	P	C		P				P		
		C	C	C	C	C		C	P			C			C	C		
		P	P	P	P			C							C	C		
									C									
		C	C	C	C			C	P		C				P	C		
		C	C	C	C			C	C									
		P	P	P	P			P	P					P	P	P		
		C	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
		C	C	C	C	C			C		C							
		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
		C	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
		P	P	P	P	C	C	P	P	C	C	C	C	C	P	C	C	C
		P	P	P	P	P		P	P	C	P		C				C	C
LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)

LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
P	Permitted																	
C	Conditional Use Permit																	
Concrete batch plants – permanent		C	C	C	C	C			C		C							
Concrete batch plants – temporary <sup>1</sup>		C	C	C	C	C			C		C						C	C
Crematory, cemetery, funeral home		C	C	C	C	C					C						C	C
Dairy farms		P	P	P	P	P				C	P						P	P
Day care facilities		P	P	P	P	P	P	C	C	C	C		C		P		P	P
Drive-in movies		C	C	C	C			P			C							
Dwellings:																		
Accessory		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farmworker		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multifamily		P	P	P	P		P			C	C		P	P	P	P	C	C
Single-family		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Earth Stations		C	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
Evaporation ponds		P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C
Event Centers		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Exercise clubs, indoor swimming pools		P	P	P	P		C	P		C	C	P		C	C	P		
Explosive manufacture or storage (storage other than for farm use)		C	C	C	C	C			C		C							
Farms		P	P	P	P	P	P			P	P	P			P		P	P
Feedlots		C	C	C	C	C				C	C							
Fertilizer manufacture		C	C	C	C	C			P									
Florist, retail		P	P	P	P	P		P	P	P	C	P		P	P	P	C	C
Florist, wholesale/floriculture		P	P	P	P	P		P	P	P	C				P	P	C	C
Food store (retail)		P	P	P	P		C	P		C				P	P	P		
Fruit, vegetable, agriculture, dairy product stand		P	P	P	P	P	P	P		P	C			P	P	P	P	
Golf courses		C	C	C	C		C			C	C				C		C	C

LEGEND		Low Density Residential (LDR)	Rural Residential (RR)	Special Review Commercial (SRC)	Neighborhood Commercial (NC)	Neighborhood Use (NU)	Urban Residential (UR)	Airport Development (AD)	Methow Review District (MRD)	Agricultural Residential (AR)	Industrial (IN)	Commercial (C)	Suburban Residential (SR)	Agricultural (AG)	Rural 20 (R20)	Rural 5 (R5)	Rural 1 (R1)	Minimum Requirement (MR)
P	Permitted																	
C	Conditional Use Permit																	
LEGEND		Low Density Residential (LDR)	Rural Residential (RR)	Special Review Commercial (SRC)	Neighborhood Commercial (NC)	Neighborhood Use (NU)	Urban Residential (UR)	Airport Development (AD)	Methow Review District (MRD)	Agricultural Residential (AR)	Industrial (IN)	Commercial (C)	Suburban Residential (SR)	Agricultural (AG)	Rural 20 (R20)	Rural 5 (R5)	Rural 1 (R1)	Minimum Requirement (MR)
Government services:																		
	Infrastructure, wastewater treatment plants, substations, pump stations	C	C	C	C	C	C	P	C	C	P	C	C	C	C	C	C	C
	Emergency vehicle facilities, police, fire	C	C	C	P	C	C	P	C	C	P	C	C	C	P	P	P	P
	Maintenance shops, warehouses (also see professional buildings)	C	C		C	C		P		C	P	C		C	P	P	P	P
	Gravel pits & quarries under three acres	2	2						C		C			C	P	P	P	P
	Gravel pits & quarries three acres or larger	2	2						C		C			C	P	P	P	P
	Helipad	C	C		P			P		C		C	C	C	P	P	P	P
	Heliport	C	C					P		C		C		C	P	P	P	P
	Home Occupations	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P
	Horticultural services	P	P		P				P	P				P	P	P	P	P
	Hospital	C	C	P	C	C			C		C	P			P	P	P	P
	Impound yard		C	C	P				C		P	C			C	C	C	C
	Industrial				C			C			C				C	C	C	C
	Industrial, light			C	P			P		C	P	C			P	P	P	P
	Industrial Hemp (10)																	
	Kennels (commercial) (see OCC 17.300.090)	C	C		C			C	C	C	P			C	C	C	C	C
	Laundromats		P	P	P					C		P			P	P	P	P



LEGEND															
P	Permitted														
C	Conditional Use Permit														
		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)
Manufactured home parks		C	C	C	C		C			C	C		C		C
Manufactured home sales facilities		P	P	P	P			C							
Cannabis Operations:															
Production facility – outdoor (8) (9)			C	P	P	P		C	P		C				P
Production facility – indoor (8) (9)			C	P	P	P		C	P		C			C	P
Processing facility (8) (9)			P	P	P	P	C	P	P		C			C	P
Retail stores (8) (9)			P	P	P	P	C	P	P		C			C	P
Marina		P	P	P	P	P	P	P	P	C	C	P	P	P	P
Meat packing plant		P	P	P	P	C			C		C			P	
LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)
Medical/dental clinic		P	P	P	P		C	P	C		C		C	P	P
Mines		C	C	C	C	C			C		C				
Mini-storage		P	P	P	P			P	P	C	C	P			P
Motorized vehicle track/facilities (commercial)		C	C	C	C						C				C
Nurseries		P	P	P	P	P		P		P	P				P
Orchards		P	P	P	P	P	P			P	P				P
Petroleum service stations		P	P	P	P	C		C	C			P		C	C
Petroleum bulk plant, except petroleum products stored for private use or agricultural use		C	C	C	C	C		P	P		C	P			C
Private clubs, fraternal lodges, country clubs		P	P	P	P		C	P		C	C			C	C

LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
P	Permitted																	
C	Conditional Use Permit																	
		Professional buildings (offices)	P	P	P	P		P	P	C		P		P	P	P		
		Propane/natural gas storage tanks (commercial)	C	C	C	C		C	C		C	C		C	C	C		
		Recreation site (high-intensity)	P	P	P	P		C	P	C	C	C		C	C	C	C	C
		Recreation site (low-intensity)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
		Recycling collection center	C	C	C	C		C	C	P	C	C		C	P	C	C	C
		Recycling processing center	C	C	C	C		C	P						C			
		Restaurants, cafes, etc.	P	P	P	P		C	P	C	C		C	P	P	P		
		Retail stores or gift shops	P	P	P	P		C	P	C	C		P	C	P	P		
		Salvage (junk) yards	C	C	C	C		C	C		C							
		Sanitary landfills	C	C	C	C	C				C							
		Sawmills, portable (commercial)	P	P	P	P	C		P		C					C		C
		Sawmills and pulp mills (commercial)	C	C	C	C			P						C			
		Schools	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
		Septic Lagoon			C	C	C		C		C <sup>5</sup>						C	C
		Shooting ranges	C	C	C	C	C		C		C							
		Slaughterhouses	C	C	C	C	C	C	P		C							
		Solid waste transfer station	C	C	C	C	C		C		C						C	C
LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Tourist accommodations:																		
Bed and breakfasts <sup>3</sup>		P	P	P	P	P	P	C	C	P	P	C	P	P	P	P	P	P

LEGEND		Minimum Requirement (MR)	Rural 1 (R1)	Rural 5 (R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
P	Permitted																	
C	Conditional Use Permit																	
Campgrounds		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Guest Ranch		C	C	C	C	C	C	C		C	C		C	C	C	C	C	C
Hotels/Motels		P	P	P	P		C	P				C			C			
Inns and lodges		P	P	P	P		C	P		C	C		P		C	P		C
Nightly rentals <sup>7</sup>		P	P	P	P	P	P	P	P	P	PD	C	C	C	P	C	PD	PD
RV parks		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Veterinarian clinics <sup>4</sup>		P	P	P	P	P		P		P	C			C	C		C	C
Wholesale establishments		P	P	P	P			P	P	C		P			C	C		
Winery		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

(1) See OCC 17A.020.855 for definition of temporary.

(2) Except for existing/permitted sites.

(3) Subject to regulations contained within Chapter 17A.260 OCC "Bed and Breakfast".

(4) Where veterinarian clinics are allowed, boarding kennels and stables may be included as accessory uses to a clinic.

(5) Permitted or conditional use only in MRD Valley Floor 5 and MRD Uplands 20.

(6) Subject to limitations within individual zones.

(7) Subject to regulations contained within Chapter 17A.270 OCC "Nightly Rentals".

(8) Not allowed in areas defined as high density in accordance with 17A.290

(9) A conditional use permit is required in any adopted city expansion area

(10) Subject to buffer requirements found in OCC 17A.290

**Chapter 17A.290**

**CANNABIS OPERATIONS**

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**17A.290.010 Purpose and intent.**

The purpose of this chapter is to create review criteria and procedures for cannabis operations within Okanogan County. It is further the intent of this chapter to be consistent with regulations of Washington State and administered by Washington State Liquor and Cannabis Board, as they pertain to the authorization of licensed cannabis operations. (Ord. 2016-4 § 1 (Att. A), 2016).

**17A.290.020 Types of cannabis operations.**

Cannabis operations are categorized into three separate types of activities which are reflective of the cannabis industry. These categories are similar to those categories defined by Washington State and administered by Washington State Liquor and Cannabis Board. The categories are:

A. Cannabis processing (see OCC 17A.20.590 for definition).

B. Cannabis production (see OCC 17A.20.595 for definition).

1. Indoor grow.

2. Outdoor grow.

C. Cannabis retail (see OCC 17A.20.600 for definition). (Ord. 2016-4 § 1 (Att. A), 2016).

**17A.290.030 Permit required.**

A permit issued under provisions of this chapter is required in order to operate a cannabis operation. See Chapter 17A.220 OCC, District Use Chart, for specific permit requirements.

A. The various types of cannabis operations may be subject to differing permit requirements. All within the same zone district, one category of cannabis operation may be outright permitted while another category may require a conditional use permit or not be permitted at all.

B. One application, and its associated permit, may include more than one type of cannabis operation so long as both operations are listed as a permitted or conditional use by the district use chart (Chapter 17A.220 OCC). For example, a permit may authorize cannabis production and cannabis processing on the same property. (Ord. 2016-4 § 1 (Att. A), 2016).

**17A.290.040 Conditions of approval.**

A permit or conditional use permit shall include the following conditions:

A. The project shall have a lawful source of water.

1. From an irrigation district.
2. If on a water right, that the use is within the approved limits of the water right certificate.
3. If on an exempt well, that the total for any project (whether one user on one or more properties or more than one user on a single parcel) not exceed exempt well limits (maximum appropriation of 5,000 gpd) and must be consistent with instream flow rules adopted in Washington Administrative Code 173-548.

B. To ensure compliance, the conditions of approval shall include:

1. Continued operations shall be in compliance with all state laws and regulations and the conditions of the permit.
2. The facility shall be in compliance with the following to the extent applicable to the agriculture activity:
  - a. Fugitive dust: WAC 173-400-040(9).
  - b. Visible emissions: WAC 173-400-040(2).
  - c. Fugitive volatile organic compound (VOC) emissions: WAC 173-400-040(4).
  - d. Odors: WAC 173-400-040(5).
    - a. For the purpose of this section, Outdoor Grow Operations that meet the setback requirements of OCC 17A.290.040 (B)(9) shall be presumed to be in compliance with OCC 17A.290.040(B) (2d).
    - b. Indoor Grow Operations and Processor Facilities which are located within 1000 feet of the entities listed in 17A.290.040 (B)(4a thru f inclusive) must install and maintain adequate odor abatement/filtration systems.
  - e. Noise: In addition to compliance with OCC 9.16 Noise Disturbances the following will apply: WAC 173-58-080 and 173-60-010 to 173-60-120 including definitions: WAC 173-60-020 and 173-60-030, and maximum permissible noise levels: WAC 173-60-040.
  - f. Disposal of waste shall comply with WAC 314-55-097.
3. Outdoor cannabis operations shall not be sited within 2000 feet of public and private schools, except a cannabis operation may be sited within 2000 feet of a public or private school, but in any event not less than 1000 feet, if the following exceptions apply:



1. A topographical feature such as a ridgeline blocks the cannabis operation visually from the school
2. A major topographical feature, such as a river or state highway lies between the cannabis operation and the school.
4. Cannabis Processing Facility (17A.020.590) or Indoor Grow Cannabis Production Facility (17A.020.595) must be sited a minimum of 100' from the perimeter of the grounds of any of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

- a. Recreation center or facility
- b. Child care center
- c. Public park facilities other than those facilities used for youth recreation, such as a baseball diamond or basketball court
- d. Public transit center
- e. Library; or
- f. Any game arcade (where admission is not restricted to persons age twenty-one or older).

Indoor grows sited within 1000' of entities listed in 17a.290.040 (B) (4a thru f) are required to have sight-obscure windows.

5. Signage: Cannabis operations sited within 1000' of entities identified in 17A.290.040 (B) (4a thru f) are limited to no more than two separate signs identifying a facility by the licensee's business name or trade name.

Signs must be wall mounted to the building or permanent structure and are limited to six hundred square inches each in size. If illuminated, they shall be indirectly illuminated.

Safety, directional, State or county mandated signs do not count toward the above two-sign limit.

6. All outdoor lighting, including but not limited to security lighting and illumination of signs, shall be downcast and shielded from neighboring properties.

7. Adequate off-street parking shall be provided. (Ord. 2016-4 § 1 (Att. A), 2016).

8. No outdoor cannabis production operation may be sited in a high density area, defined as follows: Lots created by a subdivision or short plat in which the predominant lot size is 2 or 5 acres, and which have dwelling unit(s) built on the following percentages of parcels in the subdivision:

- a. 2 acre subdivision
  - i. 4 lots or less - 25%
  - ii. 5-10 lots - 40%
  - iii. 11+ lots - 60%
- b. 5 acre subdivision
  - i. 4 lots or less - 50%
  - ii. 5-10 lots - 60%
  - iii. 11+ lots - 70%

9. Required fencing will adhere to the following property line setbacks:

1. Front, minimum is 25 feet;
2. Side, minimum is 25 feet;
3. Rear, minimum is 25 feet;
4. If the property line abuts a county road, the minimum setback from the center of the county road is 68 feet.

10. Outdoor cannabis production operations will be fenced with an 8 ft. or higher sight-obscuring fence consistent with WAC 314-55-075. The fence must be fit for its intended use, kept in good repair, and made of

materials that are neutral tones and alike in shape and color. The use of oriented strand board (OSB), repurposed materials (e.g., tires, fruit crates, rubbish, etc.), and non-permeable plastic material, is not allowed.

11. Upon notice of violation the county may direct compliance and upon failure to comply the permit may be suspended until necessary corrections are made or terminated upon failure to comply or repeated violations.

12. Appeals of any violation notice shall be to the hearing examiner.

#### **17A.290.050 License – Washington State Liquor and Cannabis Board.**

The owner of the cannabis operation shall provide a valid license issued by Washington State Liquor and Cannabis Board. At no time shall the cannabis operation operate without a valid license. (Ord. 2016-4 § 1 (Att. A), 2016).

#### **17A.290.060 Other permits.**

All other required permits must be obtained and maintained in good standing throughout the duration of the project. Associated permits may include but are not limited to building permits, shoreline permits, floodplain development permits, zoning or critical areas permits, access permits, etc. (Ord. 2016-4 § 1 (Att. A), 2016).

#### **17A.290.070 Industrial Hemp**

Industrial Hemp must be located at least 10 miles from the nearest pre-existing 502 production operation. Likewise, a 502 production operation may not locate within 10 miles of an existing industrial hemp farm.

#### **17A.290.080 Legal preexisting cannabis operations.**

Legally established cannabis operations in existence prior to the adoption date of this code are considered legal preexisting in accordance with Chapter 17A.330 OCC. (Ord. 2016-4 § 1 (Att. A), 2016).

Except all cannabis operations will be required to comply with OCC 17A.290.040 (B)(1), 17A.290.040 (B)(2a, b, c, e, f), OCC 17A.290.040 (6), OCC 17A.290.040 (7), and OCC 17A.290.040 (10) by January 1, 2021.

#### **17A.290.090 Enforcement**

In the event that the Administrator determines that a cannabis operation is not in compliance with the provisions of this section, the owner of such business shall be subject to the enforcement provisions of Chapter 17A.360 OCC. (Ord. 2016-4