

OKANOGAN COUNTY COMMISSIONERS'

ORDINANCE 2022 - 2

An ordinance extending a temporary moratorium on the permitting of new cannabis grows and the expansion of existing cannabis grows in Okanogan County, Washington.

WHEREAS, The Washington State Liquor and Cannabis Board (WSLCB) has adopted rules to license production, processing, and retail sales of recreational cannabis and cannabis products; and

WHEREAS, Okanogan County has adopted Okanogan County Code 17A.290 in July 2016 creating review criteria and procedures for cannabis operations within Okanogan County consistent with regulations of Washington State and administered by the WSLCB, as they pertain to the authorization of licensed cannabis operations; and

WHEREAS, the County has determined that additional study and analysis is necessary to determine the impacts of existing cannabis operations, and particularly cannabis production (or "grow") operations, to the environment and to adjacent property owners; and

WHEREAS, cannabis grow operations pose unique impacts in terms of land use conflicts that differ in frequency and intensity from impacts generally experienced with cannabis processors and retailers; and

WHEREAS, the County has identified instances where WSLCB has issued licenses for cannabis grow operations at addresses that do not exist in the County's land records; and

WHEREAS, the County has identified instances where property permitted by the County for cannabis cultivation has been subleased to cannabis growers who may have WSLCB-issued licenses but lack land use authorization from the County to engage in cannabis cultivation; and

WHEREAS, the County has identified instances where the Okanogan County Office of Planning and Development ("OCOPD") previously issued land-use entitlement letters relating to grow operations that are no longer in County files; and

WHEREAS, inspections of some marijuana grow operations in August 2021 revealed operations that did not match site plans on file with OCOPD; and

WHEREAS, in August 2021, the County had determined that the WSLCB had issued approximately 125 licenses for cannabis grow operations in Okanogan County, while the OCOPD had issued 85 permits for cannabis grow operations in Okanogan County; and

WHEREAS, the Board of County Commissioners in August 2021 determined it necessary to enact a moratorium on permitting new cannabis grows and the expansion of existing cannabis grows to ensure compliance with Okanogan County Code Ch. 17A.290 (Cannabis Operations), Okanogan County Code Ch. 15 (Building and Construction), and Washington State Liquor and Cannabis Board licensing and permitting requirements; and

WHEREAS, on August 18, 2021, the BOCC convened a public hearing on Ordinance No. 2021-9 which established a temporary moratorium on the permitting of new cannabis grows and the expansion of existing cannabis grows in Okanogan County, Washington; and

WHEREAS, subsequent to the adoption of Ordinance No. 2021-9 in August 2021, OCOPD staff have been meeting with existing growers to review the growers' WSLCB-issued licenses and existing site plans for the purpose of assisting the growers to bring cannabis grow operations into compliance with Okanogan County Code (OCC 17A.290); and,

WHEREAS, in order to accommodate harvest season, the BOCC extended the deadline for cannabis growers to scheduling meetings with OCOPD from January 1, 2022, to February 15, 2022; and

WHEREAS, the deadline is quickly approaching for existing growers to schedule meetings; and

WHEREAS, there are still 48 existing growers in Okanogan County that have not scheduled a meeting with Planning Staff; and

WHEREAS, Ordinance No. 2021-9 ordained the following:

- 1) A moratorium is placed on the permitting of all new cannabis grows and the permitting of any expansion of existing cannabis grows in Okanogan County under Okanogan County Code 17A.290 and Title 15.
- 2) Existing cannabis grows are required to set an appointment with the Okanogan County Office of Planning and Development provide their current State licenses and existing site plan of their operation by January 1, 2022.
- 3) Existing cannabis grows that do not meet the requirement of providing current licensing and site plans of their operations will have any permits or approvals received from Okanogan County revoked and a notice will be sent to the Washington State Liquor and Cannabis Board regarding noncompliance and revoked permit.
- 4) The Okanogan County Office of Planning and Development is directed to revisit Okanogan County Code 17A.290 to make amendments to address the issues they are dealing with pertaining to cannabis permitting, siting, regulation, and enforcement including establishing an Annual Registration requirement and fees.
- 5) This moratorium will expire six months after adoption unless otherwise extended or repealed.

WHEREAS, the BOCC convened a public hearing on March 21, 2022, to consider whether the moratorium adopted pursuant to Ordinance No. 2021-9 should terminate or be extended; and

WHEREAS, the BOCC has determined there is still more work to accomplish than time allows under the moratorium adopted pursuant to Ordinance No. 2021-9; and

BE IT THEREFORE ORDAINED AS FOLLOWS:

1. **Moratorium Extended.** The moratorium on the permitting of new cannabis grows and the expansion of existing cannabis grows in Okanogan County, Washington adopted pursuant to Ordinance No. 2021-9 is extended for an additional six-month period and is otherwise affirmed and amended as follows.
 - a. A moratorium is placed on the permitting of all new cannabis grows and the permitting of any expansion of existing cannabis grows in Okanogan County under Okanogan County Code 17A.290 and Title 15.
 - b. Existing cannabis growers shall schedule an appointment with OCOPD to occur no later than April 1, 2022, for the purpose of reviewing current WSLCB-issued licenses, the status of existing County permits, and grow operation site plans .

c. Existing cannabis growers that do not schedule and complete the aforementioned appointment with OCOPD on or before April 1, 2022, may be subject code enforcement consistent with Okanogan County Code Ch. 17A.360.


2. **Term of Moratorium.** The moratorium imposed by this Ordinance shall become effective on the date hereof, and shall continue in effect for six months unless repealed, extended, or modified by the BOCC.
3. **Work Plan.** OCOPD is directed to develop a work plan to study Okanogan County Code Ch. 17A.290 and consider whether the ordinance or any other ordinance should be amended to address issues the County is currently experiencing related to cannabis permitting, siting, regulation, and enforcement, to include the establishment of an Annual Registration requirement and fees.
4. **Findings of Fact.** The recitals set forth above are hereby adopted as the County's findings of fact in support of the moratorium imposed by Ordinance No. 2021-9 and this Ordinance No. 2022-2.
5. **Effective Dates.** The moratorium set forth in this Ordinance shall be in effect for a period of six months from the date this Ordinance is passed and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the BOCC.

DATED at Okanogan, Washington this 8th day of February 2022.

ATTEST:


Laleña Johns, Clerk of the Board

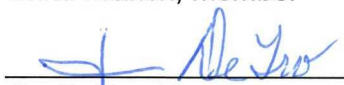
APPROVED AS TO FORM:


David Gecas, Civil Deputy PA

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


Andy Hover, Chairman


Chris Branch, Member


Jim DeTro, Member