

**OFFICIAL BY-LAWS  
OF THE  
OKANOGAN COUNTY REGIONAL PLANNING COMMISSION**

**Article I - Meetings**

Meetings of the Okanogan County Regional Planning commission shall be held monthly in the Commissioners' Hearing Room, County Administration Building, Okanogan, Washington, or such other places as the Chairman shall designate, on the fourth Monday of each month of each calendar year. Three (3) days written notice of such meetings shall be given to each member of the Planning Commission. Special meetings of the Planning Commission may be held upon the call of the Chair and/or Vice Chair.

**Article II - Quorum**

The majority of voting members shall constitute a quorum, and a quorum shall be present for the transaction of any business that may come before any monthly or special meeting of the Planning Commission.

**Article III - Officers/Election of Officers**

The elected officers of the Planning commission shall be the Chair and the Vice Chair. The officers shall be elected at the regular meeting in March of the calendar year and shall hold office until their successors have been elected and qualified. The process of the election shall be as follows:

- The nomination and election of officers shall be one at a time starting with the Vice Chair and then Chairman.
- The commission shall appoint a secretary who need not be a member of the commission. (RCW 36.70.120)

The regularly appointed members shall qualify for officers of the Okanogan County Regional Planning Commission. The duties of the officers shall be those usually pertaining to their respective offices.

The Secretary shall keep a written record of all meetings, resolutions, transactions, findings, and determinations of the Planning Commission. Said written records shall be public records and shall be available for inspection at any time.

**Article IV - The Planning Department**

The Planning Department shall consist of a Director and such other personnel as are deemed necessary. The Director shall be appointed by the Okanogan County Board of County Commissioners for the performance of all administrative functions assigned to or connected with the Planning Department. The Director shall be responsible for all research activities undertaken by the Planning Commission. It shall be the duty of the Planning Director to make available to the County Commissioners and all other duly elected or appointed officers of the County Government all records and completed studies undertaken by the Planning Commission and to otherwise assist them in the performance of their office through consultation and the furnishing of information.

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#### Article V - Membership

The official membership of the Okanogan County Regional Planning commission shall consist of seven (7) appointive members whose terms are four (4) years with no more than two of the members terms expiring at any one year. Said Planning Commission members shall be appointed by the Board of County Commissioners on the basis of geographic distribution; two from each County Commissioner's road district and one at large.

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Vacancies occurring for any reason other than the expiration of the term, shall be filled by the Okanogan County Board of County Commissioners appointment for the unexpired portion of the term. Vacancies shall be filled from the same commissioner district as that of the vacating member.

Members may be removed, after public hearing, by the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance in office.

#### Article VI - Meeting Conduct/Voting

Each regularly appointed member shall be entitled to one vote on any matter that may come before the Planning Commission. The vote of the majority of the Planning Commission membership in attendance shall be necessary to decide any question. An agenda will be presented to the Planning Commission for each regular or special meeting at least three (3) days prior to said meeting.

Deleted: The Board of County Commissioners may appoint three ex-officio members to the Planning Commission with all rights and privileges of regularly appointed members except the right to vote on recommendations for official actions. Advisory members shall not be entitled to vote on recommendations for official actions by the County Commissioners.¶

#### Article VII - Amendments

The Planning Commission, on thirty (30) days written notice to the membership, by a majority vote, may make, alter, or rescind these by-laws at any regular or special meeting.

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These by-laws have been re-typed for ease in reading. Only non-substantive, editorial changes were made from the original (signed by all Planning Commission members at the time of its adoption on February 22, 1971). -BB

## Chapter 17A.290

### CANNABIS OPERATIONS

#### Sections:

- 17A.290.010 Purpose and intent.
- 17A.290.020 Types of cannabis operations.
- 17A.290.030 Permit required.
- 17A.290.040 Conditions of approval.
- 17A.290.050 License – Washington State Liquor and Cannabis Board.
- 17A.290.060 Other permits.
- 17A.290.080 Legal preexisting cannabis operations.
- 17A.290.090 Enforcement.

#### 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:

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- 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. Application for and/or issuance of a license from the State of Washington does not vest the activity under the Okanogan County Code for any type of cannabis operation.

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.

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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).



C. All cannabis producer and processors will register annually with the Okanogan County Office of Planning and Development. Application for annual registration will be made to the Okanogan County Office of Planning and Development upon a form to be furnished by the Director of Planning and Development requiring such information as may be reasonably related to the ownership, parcel, and/or conduct of such business. The fee for such application shall be established by resolution of the Okanogan County Board of County Commissioners.

D. Any parcel permitted for a cannabis operation must be under the control of the State License holder. The applicant will submit a copy of all deeds, leases, agreements, or recorded instruments indicating the license holder's interest, whether possessory or real, in the parcel on which a production and/or processing facility is located.

**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, except within Water Resource Inventory Area 49 the maximum appropriation is 3,000 gpd) and must be consistent with instream flow rules for Water Resource Inventory Area 48 adopted in Washington Administrative Code 173-548 or other rules regulating permit exempt wells and daily withdrawal limits.

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

1. Continued operations shall be in compliance with all Okanogan County Code and state laws and regulations including but not limited to the conditions of the permit approval.

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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.

g. 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.

h. All lighting, including but not limited to grow lights, security lighting and illumination of signs, shall be downcast and shielded from the view of neighboring properties.

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

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, 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. No Cannabis Production facility may be sited on a parcel less than 5 acres in size.

6. Required fencing (and all structures for cannabis production and processing) will adhere to the following property line setbacks:

1. Front, minimum is 100 feet;
2. Side, minimum is 100 feet;
3. Rear, minimum is 100 feet;

7. 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. Permitted types of fencing includes:

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2 acre subdivision §  
4 lots or less - 25% §  
5-10 lots - 40% §  
11+ lots - 60% §  
5 acre subdivision §  
4 lots or less - 50% §  
5-10 lots - 60% §  
11+ lots - 70% §  
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- a. Stated chain link fencing, or
- b. Wood fencing with approved black fabric covering, or
- c. Wood with sheet metal (tin sheets) of the same neutral tone color and nonreflective.

8. Addressing: The following addressing requirements must be met:

- a. Proof of legal access.
- b. A physical address must be applied for and obtained from Okanogan County Planning prior to the issuance of a permit or state license for cannabis operation.
- c. The physical address issued by Okanogan County Planning must match the address that is on the State issued Cannabis Operation license.

9. New Location or Expansion of Location:

All expansions or relocation of cannabis operations will apply for all permits required and receive the proper approvals from both the local authority and State Liquor Cannabis Board prior to the expansion or relocation.

10. 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.

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

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**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).

**17A.290.090 Right to Entry**

All cannabis producers and processors will allow inspection of the site and facilities by Okanogan County personnel including law enforcement for compliance with all applicable state and local permits and licenses at any time during regular business hours without prior notice. Prior notice will consist of 24-hour notice by return receipt mail or email.

Deleted: 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, h, i), and OCC 17A 290.040 B(10) by January 1, 2021 ¶

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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 § 1.01(A)(3), 2016)



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