

**WSIA Recommendations for OCC Title 17A-2015-1
April 11, 2016 Planning Commission Meeting**

The following proposal is presented to the Okanogan Planning Commission by the Washington Sun growers Industry Association.

Page 11-Strike marijuana-related language

17A.020.060 Agriculture

"Agriculture," pertaining to farming, means the tilling of the soil, the raising of crops, forestry, horticulture, gardening, keeping or raising of livestock and poultry and any agricultural industry or business such as dairies, nurseries, wholesale greenhouses or similar uses. ~~Farming industrial hemp is agriculture. Farming marijuana, marijuana products, and marijuana operations are not agriculture; they are defined separately by this Chapter.~~

Page 19- Strike marijuana-related language

17A.020.370 Farm

"Farm" means property used for raising all crops, feeding and caring for livestock, ranges and pastures. ~~The definition of a farm does not include marijuana operations.~~

Page 24-Keep definitions for 'marijuana-related' industry, but change the word marijuana to cannabis through whole document.

17A.020.590 ~~Marijuana~~ Cannabis processing facility

~~Marijuana~~ Cannabis processing facility means a facility used for the purpose of processing ~~Marijuana~~ cannabis into useable ~~marijuana~~ cannabis and ~~Marijuana~~ cannabis-infused products, and packaging and labeling of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis -infused products for sale to ~~marijuana~~ cannabis retailers.

~~Marijuana~~ Cannabis processing facilities are similar in character to agricultural sorting, grading, and packing facilities. Legal processing activities are consistent with RCW 69.50.101(v) and WAC 314-55-077 as administered by Washington State Liquor ~~Control~~ and Cannabis Board.

17A.020.595 ~~Marijuana~~ Cannabis production facility

~~Marijuana~~ Cannabis facility means a facility used for growing ~~marijuana~~ cannabis for the purpose of selling the ~~marijuana~~ cannabis products to ~~marijuana~~ cannabis processors and other ~~marijuana~~ cannabis producers. Production includes growth, harvest, trim, dry, cure, and packaging of ~~marijuana~~ cannabis for sale. Sale may include ~~marijuana~~ cannabis products, plants, seeds, and plant tissue culture. ~~Marijuana~~ Cannabis production facilities are separated into indoor and outdoor facilities which are similar in character to indoor nursery or greenhouse facilities, or outdoor field crops. Legal production activities are consistent with RCW 69.50.101(w) and WAC 314- 55-075 as administered by Washington State Liquor ~~Control~~ and Cannabis Board.

17A.020.600 Marijuana Cannabis retail store

~~Marijuana Cannabis retail store~~ means a commercial establishment used for the sale of useable ~~marijuana~~ cannabis, ~~marijuana~~ cannabis -infused products, and ~~marijuana~~ cannabis paraphernalia and rendering services incidental to the sale of such goods.

~~Marijuana Cannabis retail stores~~ are similar in character to agricultural fruit and vegetable stands, or retail stores and gift shops. Legal retailers are consistent with RCW 69.50.101(y) and WAC 314-55-079 as administered by Washington State Liquor Control and Cannabis Board.

Page 121-122-Propose the following language:

Chapter 17A.290 MARIJUANA CANNABIS OPERATIONS

Sections:

- 17A.290.010 Purpose and intent
- 17A.290.020 Types of ~~marijuana~~ cannabis operations
- 17A.290.030 Permit required
- 17A.290.040 Conditions of approval
- 17A.290.050 License – Washington State Liquor Control Board
- 17A.290.060 Other permits
- 17A.290.070 Lighting
- 17A.290.080 Neighborhood character
- 17A.290.090 Amortization Period

17A.290.010 Purpose and intent

The purpose of this chapter is to create review criteria and procedures for ~~marijuana~~ 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 Control and Cannabis Board, as they pertain to the authorization of licensed ~~marijuana~~ cannabis operations.

17A.290.020 Types of ~~marijuana~~ cannabis operations

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

- A. ~~marijuana~~ cannabis processing (see OCC 17A.020.590 for definition)
- B. ~~marijuana~~ cannabis production (see OCC 17A.020.595 for definition)
 - 1. Indoor grow
 - 2. Outdoor grow
- C. ~~marijuana~~ cannabis retail (see OCC 17A.020.600 for definition)

17A.290.030 Permit required

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

A. The various types of ~~marijuana~~ cannabis operations may be subject to differing permit requirements. All within the same zone district, one category of ~~marijuana~~ 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 ~~marijuana~~ cannabis operation so long as both operations are listed as a permitted or conditional use by the district use chart (OCC 17A.220). For example, a permit may authorize ~~marijuana~~ cannabis production and ~~marijuana~~ cannabis processing on the same property.

17A.290.040 Conditions of approval

A permit, or conditional use permit, should include conditions which are specific to the individual application and site or facility. Those conditions must be consistent with this chapter and other associated regulations administered by Washington State Liquor ~~Control~~ and Cannabis Board and also Okanogan County, including but not limited to Zoning, Critical Areas, and the Shoreline Master Program.

In reviewing the application for the conditional use permit the examiner shall determine:

A. The applicant is eligible to have a licensed facility under the terms of Washington state law.

B. The project has a valid water right.

C. Buffers for Cannabis (between marijuana and hemp) shall be determined and based on best available and verifiable science to avoid cross pollination or is further defined by state regulations.

D. If these requirements are met, the CUP may not be withheld. Non-compliance with these regulations may be cause for modification or revocation of the CUP.

17A.290.050 License – Washington State Liquor ~~Control~~ and Cannabis Board

The owner of the ~~marijuana~~ cannabis operation shall provide a valid license issued by Washington State Liquor ~~Control~~ and Cannabis Board. At no time shall the ~~marijuana~~ cannabis operation operate without a valid license.

17A.290.060 Other permits

All other associated permits must be obtained and maintained in good standing throughout the duration of the project. Associated permits include but are not limited to building permits, zoning or critical areas permits, access permits, etc.

17A.290.070 Lighting

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

17A.290.080 Neighborhood character

~~Marijuana Cannabis operations shall be compatible with the character of the surrounding neighborhood. Factors upon which compatibility will be evaluated include but are not limited to noise, traffic, light and glare. Valid and verified complaints from neighbors may be considered as possible reasons for revocation of a permit, or~~

~~modification of the permitted conditions of approval.~~ Limit marijuana businesses from locating near schools and other sensitive uses where state law restricts licensing of marijuana businesses. The LCB provisions address concerns about compatibility with neighborhood character and surrounding uses.

17A.290.090 Amortization Period

As of January 1, 2017 2018, all permitted, unpermitted, or legal pre-existing marijuana operations shall cease and no longer be legally permitted to operate, except marijuana cannabis operations permitted in accordance with this chapter. Nothing in this section shall prohibit new applications filed on or after the date stated herein, so long as new applications are permitted in accordance with this chapter.

Page 139

17A.310.090 Compatibility

Those uses, activities, structures shall be compatible and shall remain compatible with current and future permitted uses on the same property. For example, if future applications proposed a use other than what was permitted by the conditional use permit, then the proposed application may be approved only if it can be determined that the proposal is compatible or accessory to the conditional use permit.

Factors upon which compatibility relates to cannabis must conform with state law. The LCB regulates such items as proximity of cannabis operations to areas frequented by children, fencing for visually screening and security, background checks on either location or applicant and has adequate measures to protect the local interest to preserve public health, safety, and welfare as listed in Okanogan County Resolution 114-2013.

17A.310.100 Potential Conditions

~~S. Marijuana Cannabis operations: Applications for marijuana cannabis operations shall comply with the provisions of OCC 17A.290 "Marijuana Cannabis Operations". Additional conditions may be required in order to mitigate impacts identified during the review and hearing process.~~