

## **Chapter 17A.290 MARIJUANA OPERATIONS**

### Sections:

- 17A.290.010 Purpose and intent
- 17A.290.020 Types of marijuana 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~~ Lawful Nonconforming Uses
- 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 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 Board, as they pertain to the authorization of licensed marijuana operations.

### **17A.290.020 Types of marijuana operations**

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

- A. Marijuana processing (see OCC 17A.020.590 for definition)
- B. Marijuana production (see OCC 17A.020.595 for definition)
  - 1. Indoor grow
  - 2. Outdoor grow
- C. Marijuana 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 operation. See OCC 17A.220 “District Use Chart” for specific permit requirements.

- A. The various types of marijuana operations may be subject to differing permit requirements. All within the same zone district, one category of marijuana operation may be outright permitted while another category may require a conditional use permit or not be permitted at all.
- B. One application, and it’s associated permit, may include more than one type of marijuana 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 production and marijuana 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 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 parcel on which the activity is to be conducted is a lawful parcel (note Chapter 58.17 RCW requires a plat or shot plat for the “sale or lease” of a parcel of property).
- c. The project has a lawful source of water
  1. If from an irrigation district, that the district is not dependent on federal funds for any purpose or that the federal funding they receive would not be jeopardized by the project (an approval of the district is sufficient)
  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, that the total not exceed exempt well limits (maximum appropriation 5000 gpd.)
- d. 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)
    - e. Noise: WAC 173-58-010 to 173-58-080 and WAC 173-60-010 to 173-60-120 including Definitions: WAC 173-60-020 and WAC 173-60-030 and Maximum permissible noise levels: WAC 173-60-040
  3. 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.
  4. Appeals of any violation notice shall be to the hearings examiner.

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

The owner of the marijuana operation shall provide a valid license issued by Washington State Liquor Control Board. At no time shall the marijuana 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 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.~~

### **17A.290.090 Amortization Period**

~~As of January 1, 2017, all permitted, unpermitted, or legal pre-existing marijuana operations shall cease and no longer be legally permitted to operate, except marijuana 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.~~

### 17A.290.080 Lawful Nonconforming Uses

For uses which have vested to the county program prior to the adoption of [BOCC Resolution 17-2016](#) by securing a building permit for their operation, such uses may continue to operate but are subject to the following rules:

- a. The owner operator is eligible to have a licensed facility under the terms of Washington state law.
- b. The parcel on which the activity is to be conducted is a lawful parcel (note Chapter 58.17.20(2)(6) RCW requires a plat or shot plat for the division of land for “sale or lease” of a parcel of property).
- c. The project has a lawful source of water
  1. If from an irrigation district, that the district is not dependent on federal funds for any purpose or that the federal funding they receive in the future would not be jeopardized by the project (a letter approval of the district is sufficient)

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, that the total not exceed exempt well limits (maximum appropriation 5000 gpd.)
- d. Continued operations shall be in compliance with all state laws and regulations
- e. The facility shall be in compliance with the following to the extent applicable to the agriculture activity:
- 1 Fugitive dust: WAC 173-400-040(9)
  2. Visible emissions: WAC 173-400-040(2)
  1. Fugitive volatile organic compound (VOC) emissions: WAC 173-400-040(4)
  4. Odors: WAC 173-400-040(5)
  - 5 Noise: WAC 173-58-010 to 173-58-080 and WAC 173-60-010 to 173-60-120 including Definitions: WAC 173-60-020 and WAC 173-60-030 and Maximum permissible noise levels: WAC 173-60-040
- e. Upon notice of the failure of any existing facility to comply with the requirements above, the County may direct compliance and upon failure to comply the non-compliant operation shall be given a reasonable opportunity to bring the facility into compliance and upon failure to do so may be required to secure a conditional use permit and abide by the terms thereof or cease operation.
- f. Appeals of any violation notice shall be to the hearings examine