

## Chapter 11.100

### Effective October 22, 2017: CANNABIS

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#### **Section 11.100.010 Purpose and Intent.**

The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved cannabis activities and land uses consistent with state law under Title 69 RCW, and subject to the requirements of Chapter 314-55 WAC, adding additional local standards to address potential public health, safety and welfare considerations.

No part of this chapter is intended to or shall be deemed to conflict with federal law, including, but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., or state law, including, but not limited to, the Uniform Controlled Substances Act (Chapter 69.50 RCW) and the Cannabis Patient Protection Act (Chapter 69.51A RCW), nor to otherwise permit any activity that is prohibited under either act, or any other local, state or federal law, statute, rule or regulation.

No part of this chapter is intended to reflect cannabis as constituting an agricultural product. Cannabis is not an agricultural product, and any provisions of this code or any other adopted regulations with regard to agriculture, unless otherwise provided, do not apply to cannabis.

**Section 11.100.020 Applicability.**

This chapter shall apply to all unincorporated areas of Chelan County. The issuance or approval of a state license pursuant to Chapters 69.50, 69.51, 69.51A RCW or Chapter 314-55 WAC, shall not be construed as conferring any vested status to any application and shall not be construed as a license for, or an approval of, any violations of state and local laws and regulations including but not limited to: Chapter 19.27 RCW and Title 51 WAC (State Building Code); Chapter 58.17 RCW (Plats-Subdivisions-Dedications); Chelan County Code Title 3 (Building Regulations), Title 11 (Zoning), Title 12 (Land Divisions), and Title 14 (Development Permit Procedures and Administration); and the Chelan County Shoreline Master Program.

**Section 11.100.030 Registration and Enforcement Fund.**

The production and processing of cannabis has directly increased the quantity of citizen complaints and concerns of obnoxious odor, noise, bright lighting, increased traffic and risk of crime associated with these businesses. The primary distinction between impacts from the production and processing of cannabis and other businesses is a function of the intensity and duration of those impacts. For example, the odor from maturing cannabis can linger for weeks or longer. The increased potential of negative impacts of cannabis production and processing operations on neighboring properties, as well as the continued characterization of marijuana as a Schedule 1 drug under state and federal laws, requires greater county resources be spent monitoring these operations for compliance with regulations.

Based on the increase in county resources not associated with other business operations, Chelan County hereby establishes a registration and enforcement fund. All cannabis producers and processors shall register annually with Chelan County on forms available from the Department of Community Development. Registration fees shall be assessed annually as set forth in the Department of Community Development’s fee schedule.

**Section 11.100.040 Location.**

1. General. The following requirements shall apply to all cannabis operations (production, processing, and retail):
  - a. Only those cannabis producers, processors and retailers operated by persons or entities holding a valid cannabis license issued pursuant to and compliant with Chapter 69.50 RCW and Chapter 314-55 WAC, and any other applicable state laws and regulations shall be permitted.
  - b. Cannabis producers, processors, and retailers shall only be allowed within Chelan County in those zoning districts where it is specifically identified as an allowed use and meeting all the standards of this chapter.

- c. Cannabis producers, processors or retailers may only be permitted within urban growth areas subject to the provisions of the applicable municipal codes of the city or town within the urban growth area.
  - d. No cannabis licensees (producer, processor or retail) shall be located within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade (where admission is not restricted to persons aged twenty-one years or older). The distance shall be measured as the shortest straight line distance from the property line of the cannabis licensee location to the property line of the entities.
  - e. Distances shall be measured in the most direct manner.
2. Cannabis Production/Processing. The following requirements shall apply to all cannabis production and/or processing operations:
- a. Cannabis production is limited to those state-issued cannabis production licenses which restrict the maximum allowable plant canopy to less than ten thousand square feet (e.g. Tier 1 and Tier 2). A state-issued cannabis production license which may allow for a maximum plant canopy of ten thousand square feet or more (e.g. Tier 3) shall not be permitted, except as an indoor operation within the Rural Industrial (RI) zone.
  - b. Only one state-issued cannabis license (e.g. combined producer/processor, producer only, or processor only) may be allowed per legal lot of record.
  - c. Cannabis production and/or processing operations may only be allowed on those lots meeting the minimum lot size requirements for the applicable zoning designation as set forth in Chelan County Code Title 11 (Zoning), unless otherwise provided by this chapter.
    - i. For those cannabis production and/or processing operations located on legal lots of record created prior to September 29, 2015, and which received a state-issued cannabis license and were in actual operation also prior to September 29, 2015, the minimum lot sizes on which a cannabis production and/or processing operation may be located within the Rural Residential 10 (RR10) and Rural Residential 20 (RR20) zones are as follows:

<b>Maximum Allowable Plant Canopy</b>	<b>RR10</b>	<b>RR20</b>
Up to 2,000 ft <sup>2</sup> (Tier 1)	4 acres	8 acres

2,000-10,000 ft<sup>2</sup> (Tier 2)

8 acres

16 acres

“Actual operation” as used in this section means that cannabis was located onsite and was being actively grown or processed at the time.

- ii. Cannabis production/processing minimum lot sizes set forth in this section are the minimum necessary and shall not be subject to modification or reduction pursuant to Chapter 11.95 (Variances), Chapter 11.98 (Reasonable Use Regulations), or administrative modification.
  - d. Cannabis processing shall only occur within a code compliant structure meeting the buffer requirements for an indoor cannabis production; provided, however, that if a state-issued cannabis license for a location allows for both production and processing, the code-compliant structure used for processing must meet the buffer requirements associated with the corresponding production operation.
3. Indoor Cannabis Production and/or Processing. The following requirements apply to indoor cannabis production and/or processing operations:
- a. Indoor Cannabis producers and/or processors shall only be allowed in the Rural Industrial (RI), Commercial Agricultural Lands (AC), Rural Residential/Resource 20 (RR20) and Rural Residential/Resource 10 (RR10) zones defined and identified in Title 11 of Chelan County Code, subject to Conditional Use approval, and meeting the production/processing buffers identified in this section.
  - b. Indoor Cannabis production/processing buffers-
    - i. In the Rural Industrial (RI) zoning district, the required buffer from all property lines, as measured from the foundation of any building or structure used in conjunction with the production and/or processing of cannabis, shall be determined by Chelan County Code Section 11.26.020(4) (Minimum Setback Distances) and shall be maintained at all times.
    - ii. In the Rural Residential/Resource 20 (RR20), Rural Residential/Resource 10 (RR10) and Commercial Agricultural Lands (AC) zoning districts, a 100 foot buffer from all property lines, as measured from the foundation of any building or structure used in conjunction with the production/processing of cannabis, shall be maintained at all times. Buffers required by this subsection may be reduced, if approved by the Hearing Examiner, pursuant to Chapter 11.95, Variances, provided that, in no case shall the buffer be less than thirty (30) feet, and video surveillance shall not be permitted on private property owned, controlled or possessed by, either through deed, lease, contract or other arrangement, another person or entity.

- iii. Structures in existence prior to September 29, 2015, may have reduced buffers, if approved by the Hearings Examiner, pursuant to Chapter 11.95, Variances, provided that, in no case shall the buffer be less than twenty (20) feet, and video surveillance shall not be permitted on private property owned, controlled or possessed by, either through deed, lease, contract or other arrangement, another person or entity.
  - c. In the Commercial Agricultural Lands (AC) zoning district, the total amount of land included within the facility perimeter for production and/or processing of cannabis may not exceed one acre (43,560 square feet) in size. New structures used for the production and/or processing of cannabis shall be limited to a maximum of 35 feet in height.
4. Outdoor Cannabis Production (and Associated Processing). The following requirements apply to outdoor cannabis production (and associated processing) operations:
- a. Outdoor cannabis production (and associated processing) shall only be allowed in the Rural Residential/Resource 20 (RR20) zone, defined and identified in Title 11 of Chelan County Code, subject to Conditional Use approval, and meeting the production (and associated processing) buffers identified in this section.
  - b. Outdoor cannabis production (and associated processing) buffers –
    - i. Outdoor cannabis production (and associated processing) shall be at least 1500 feet from the facility perimeter to the nearest property line not owned by the licensee for each specific licensed operation. Where a license holder is leasing or contracting for the lot upon which the licensed operation is conducted, the buffer shall be 1500 feet from the nearest property line.
    - ii. Outdoor cannabis production (and associated processing) facilities may have reduced buffers, if approved by the Hearings Examiner, pursuant to Chapter 11.95, Variances, provided; in no case shall the buffer be reduced to less than 1000 feet. In addition to the evaluation criteria identified in Chelan County Code section 11.95.030, the applicant shall also have the burden of demonstrating that no habitable structures are within the buffer area to be reduced. No habitable structures, not under the control of the licensee shall be permitted within the required buffer at any time.
    - iii. Outdoor cannabis production (and associated processing) facilities located on a legal lot of record created prior to September 29, 2015, and which received a state issued cannabis license and were in actual operation also prior to September 29, 2015, which cannot comply with the requisite buffer due to insufficient distance to a boundary line may include abutting neighboring legal lots of record created prior to September 29, 2015, in the calculation of the required buffer distance, assuming all other criteria are

met, if consent from all effected abutting property owners is obtained and no residential structures are present in the buffer area. Said consent shall be revocable and shall be executed on forms provided or approved by the county. "Actual operation" as used in this section means that cannabis was located onsite and was being actively grown or processed at the time.

**Section 11.100.050 Conditional Use Permit Required.**

Uses and facilities associated with the production and/or processing of cannabis, in accordance with the provisions of state law may be permitted through the issuance of a conditional use permit; provided, that:

1. The use and facility in Chelan County must be actively licensed by the State of Washington pursuant to and, at all times, compliant with Chapter 69.50 RCW and Chapter 314-55 WAC;
2. The use and facility must be, at all times, in full compliance with state and local laws and regulations, including, but not limited to: Chapter 19.27 RCW and Title 51 WAC (State Building Code); Chapter 58.17 RCW (Plats-Subdivisions-Dedications); Chelan County Code Title 3 (Building Regulations), Title 11 (Zoning), Title 12 (Land Divisions), and Title 14 (Development Permit Procedures and Administration); and the Chelan County Shoreline Master Program;
3. A pre-application meeting is required prior to the submittal of a conditional use application;
4. Cannabis production and/or processing are not permitted as a home occupation or cottage industry;
5. All indoor cannabis storage, production and processing operations must be entirely contained within a code compliant building(s);
6. Any cannabis processing that utilizes an extraction process is classified as a moderate-hazard factory industrial (Group F-1) occupancy, under the International Building Code; and
7. Buildings where cannabis is grown, processed or stored must be equipped with ventilation/air filtration systems meeting the provisions of Section 11.100.080.

Application and review of conditional use permits shall comply with the procedures and requirements of Chelan County Code Chapter 11.93 (Conditional Use Permits), as well as Title 14 (Development Permit Procedures and Administration), except as otherwise provided by this chapter.

Conditional use permits issued under this chapter shall be immediately revocable pursuant to Chapter 16.14, Permits, upon non-compliance with any permit condition or provision, this chapter, and/or this Code.

### **Section 11.100.060 Conditional Use Submittal Criteria.**

When applying for a conditional use permit, an applicant shall comply with the following:

1. Site Plan: The applicant shall submit a site plan, drawn to a standard scale, and in accordance with the site plan checklist. In addition to any other requirements, a site plan shall depict and describe the following: (a) the location and total area of the licensed facility; (b) the distances from the production and/or processing facility to all adjacent buildings and property lines; and (c) all existing and intended uses of any buildings or structures, grow areas, parking spaces, property lines, property under the control of the license holder, physical land features such as roads, utilities, driveways and any critical areas.
2. Location Plan: The applicant shall submit a map, drawn to scale, showing that the cannabis production and/or processing facility is at least 1,000 feet from the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade (where admission is not restricted to persons aged twenty-one years or older). A survey prepared by a surveyor licensed in the state of Washington may be required by the Administrator.
3. Property Under the Control of the License Holder: The applicant shall 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.
4. Lighting Plan: Buildings shall have internal shielding (such as blackout curtains) to prevent glare and light trespass from the building's interior walls and roof, so that lighting sources are not visible from off-site residences and public roads. Conditions of approval for any conditional use permitted under this chapter shall require compliance with the lighting plan. At the time of application for a building permit, proof of interior wall and roof shielding shall be submitted to the Department of Community Development. All exterior lighting shall be designed consistent with Chelan County Code Section 11.88.080.
5. Security: A cannabis business shall meet all security requirements as required by Chapter 314-55 WAC and shall provide proof of such operational security system. Video surveillance shall not be permitted on private property owned, controlled or possessed either through deed, lease, contract or other arrangement, by another person or entity.

6. Odor Mitigation Plan: The applicant shall submit an odor mitigation plan approved by a mechanical engineer licensed in Washington State and in accordance with the requirements of Section 11.100.080.
7. Building Height and Size Requirements: All buildings and structures utilized in conjunction with cannabis production and/or processing shall meet all height and size requirements set forth in the underlying zone and/or shoreline regulations, if applicable.
8. Buffer Requirements: All cannabis production and/or processing facilities shall meet the dimensional requirements as set forth in Section 11.100.040.
9. Irrigation Water Source/Valid Water Right: The applicant shall demonstrate a legal and physically adequate water supply for the proposed use. If irrigation water is provided by an established water purveyor, the applicant shall provide documentation by and from the water purveyor stating that the purveyor's water source(s) is not federally contracted or connected to a federal facility and acceptable for the proposed use. If the proposed water source is an exempt well, compliance with RCW 90.44.050 shall be required at all times.
10. Waste Disposal Plan: All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter an on-site septic system, sanitary sewer or storm sewer system, nor be released into atmosphere where the facility is located. Waste materials generated from any facility must be disposed of in accordance with the Operating Plan filed as part of a cannabis license application and consistent with all applicable federal, state and local regulations.
11. Off-Street Parking and Loading: Off-street parking and loading space shall be provided in accordance with Chelan County Code Chapter 11.90 (Off-Street Parking and Loading) and Chapter 15.50 (Landscape Standards).
12. Fencing: All outdoor cannabis facilities must be fully enclosed by a sight obscuring wall or fence at least eight (8) feet in height or a height sufficient to conceal the cannabis from adjacent views, whichever is higher. Fencing shall not be constructed of temporary materials such as, but not limited to, plastic sheeting, hay bales, tarps, corrugated tin, pallets, plywood, OSB, or other materials not specifically designed for use as fencing. All fencing must be properly permitted and inspected by Chelan County.
13. Proof of Service of Notice of License or Modification of License: Applicants shall submit proof that notice was given in accordance with Section 11.100.120. Proof of service shall consist of a declaration submitted under penalty of perjury by the person who served the notice and shall attach a copy of the notice provided. Proof of service shall be in a form substantially as follows:



DECLARATION OF SERVICE

I, [JOHN SMITH], DECLARE under penalty of perjury under the laws of the State of Washington that on [date of service], I [delivered by hand] [mailed via first class mail, postage prepaid,] the attached Notice of License or License Modification to [name of person served] at [address] in accordance with Chelan County Code Section 11.100.120.

Signed at [city], [state] on [date of declaration].

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[John Smith]

14. Proof of Public Notice Pursuant to RCW 69.50.580 and WAC 314-55-020, Now or As Hereinafter Amended: Proof of public notice issued pursuant to RCW 69.50.580 and WAC 314-55-020, now or as hereinafter amended, shall consist of a declaration submitted under penalty of perjury by the person providing the public notice and shall attach a photograph of the public notice. Proof of public notice shall be in a form substantially as follows:

DECLARATION OF PUBLIC NOTICE

I, [JOHN SMITH], DECLARE under penalty of perjury under the laws of the State of Washington that on [date of public notice], I posted on [property address] public notice in accordance with RCW 69.50.580 and WAC 314-55-020.

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[John Smith]

15. Processing and Extractors: All cannabis processing and extraction systems shall comply with the requirements of WAC 51-54A-0105 and 51-54A-3800.
16. Noise: Maximum noise levels set forth in WAC 173-60-040 shall not be exceeded.
17. Access: Applicants shall submit proof of legal and valid commercial access to the production and/or processing facility. Proof of valid commercial access includes, but is not limited to, adequate commercial access easement agreements and a copy of an approach permit issued by the Chelan County Department of Public Works and/or the Washington State Department of Transportation.
18. Operating Plan: Applicants shall provide a copy of all Operating Plans filed with the Washington State Liquor and Cannabis Board. If not already indicated in any filed Operating Plans, applicants shall also provide the following information: number of employees; hours of operation; on-site management contact information.

### **Section 11.100.070 Modification of Conditional Use Permit.**

An applicant shall submit for review and approval by the Hearing Examiner an amendment to the original conditional use permit for any and all modifications to a cannabis production and/or processing facility, including, but not limited to, equipment, site layout, structures, buildings, and approved operating plan. An amendment must meet the submittal criteria set forth in Section 11.100.060.

Conditional Use Permit approval shall only be valid as long as the applicant holds an active state-issued cannabis license for the approved use at the same location.

### **Section 11.100.080 Odor and Ventilation.**

No odor shall be emitted that is detectable at or beyond the property line of any cannabis producer or processor in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring properties and uses.

All indoor production or processing facilities shall eliminate odors of cannabis from being detected by a person with a normal sense of smell from any abutting use or property. A structure used for indoor cannabis production or processing shall be equipped with a filtration system for odor control. All odor control systems must be approved by a mechanical engineer licensed in the State of Washington demonstrating that the odor control system will eliminate odors as required by this section.

The Department of Community Development may issue a written notice to the holder of a conditional use permit issued pursuant to this chapter that odor has been detected in violation of this section. Written notice issued under this section shall be posted on the subject property at the time the odor is detected and also mailed, postage prepaid, to the address registered with the Department of Community Development pursuant to Section 11.100.030. Any odor condition detected must be cured within 5 business days of mailing posting of the written notice.

All conditional use permits issued pursuant to this chapter shall include a condition that the permit shall be immediately revoked upon failure to cure any odor condition pursuant to this section.

### **Section 11.100.090 Medical Cannabis.**

Pursuant to RCW 69.51A, no more than 15 medically authorized cannabis plants may be grown, processed or possessed in a domicile, and no portion of these activities may be seen by normal unaided vision, or smelled, from a public place, private housing residence, public roadway or property.

In addition to compliance with any applicable state or federal laws and regulations, lawful production and/or processing of cannabis by any person in a domicile, or other similar housing unit shall be subject to all locally applicable land use, development, zoning, and building

regulation requirements, including, but not limited to, all applicable requirements set forth in the Chelan County Code as the same are now adopted or hereafter amended, and the following regulations:

A. Any home production and/or processing of cannabis by any person pursuant to state law shall not be permitted outside of the domicile or accessory structure;

B. Accessory structures shall be permanent structures enclosed by a roof and walls on all sides and connected to a permanent foundation. For purposes of this section, accessory structures shall not include cargo containers, recreational vehicles or other similar types of structures. Accessory structures shall be completely opaque in addition to necessary site-screening;

C. Home processing of cannabis shall not involve any combustible method and shall comply with all federal, state, and local laws and rules, including all standards adopted by the Washington State Liquor and Cannabis Board.

**Section 11.100.100 Other Uses.**

Cannabis production, processing and retail sales shall be permitted pursuant to this chapter. All other commercial and noncommercial licensed or registered cannabis uses are prohibited within all zones of the County. This prohibition includes, but is not limited to, cannabis clubs or lounges, cannabis research facilities and medical cannabis cooperatives. This prohibition does not apply to home growing or processing of medical cannabis by individual qualified patients or designated providers in compliance with Chapter 69.51A RCW.

**Section 11.100.110 Notice of License or Modification of License.**

In addition to the public notice requirements in RCW 69.50.580 and WAC 314-55-020, any applicant for a cannabis producer and/or processor license or modification of license under Chapter 69.50 RCW shall, simultaneously with the application to the State of Washington, provide written notice of the license or license modification to Director of the Chelan County Department of Community Development and also to the Clerk of the Board of the Chelan County Commission. Said written notice shall be provided by either hand delivery or by first class mail, postage prepaid. The notice required by this section shall contain the following information:

- a. The name of the cannabis license applicant and UBI number;
- b. The date of the application for license or license modification;
- c. The type of license sought, and, if a cannabis producer license, the tier level;
- d. The anticipated decision date by the Washington State Liquor and Cannabis Board of approval or denial of the application;

- e. Contact information for the Washington State Liquor and Cannabis Board where comments or concerns about the proposed cannabis business location may be sent; and
- f. Any other information determined by the department of community development to be appropriate.

**Section 11.100.120 Notice of Land Use Permits.**

All development applications relating to cannabis production and processing, including, but not limited to, conditional use permits, shall comply with the notice requirements set forth in Chelan County Code Title 14 (Development Permit Procedures and Administration), except as otherwise provided below:

1. The owners, as shown in the records of the county assessor and auditor, of any parcel located adjacent to or within 1000 feet of any proposed indoor production/processing facility, shall receive written notice of any public hearing. Such notice shall be sent by the department of community development at the applicant's expense at least 14 days prior to the scheduled hearing date.
2. The owners, as shown in the records of the county assessor and auditor, of any parcel located adjacent to or within 1000 feet of the required buffer for outdoor production/processing facility shall receive written notice of any public hearing. Such notice shall be sent by department of community development at the applicant's expense at least 14 days prior to the scheduled hearing date.
3. Written notice of public hearings required under this chapter shall include the following: (a) a description of the location of the facility (including a legal and practical locational description and a vicinity map), a general site plan, a vicinity map which includes the designated Access Road to the facility, and the proposed activity under review; (b) time and place of the public hearing; and (c) the name and address of the applicant and/or its designated agent, and a statement that additional information may be obtained from the department of community development.
4. Posting of the written public hearing notice shall be made by the applicant by posting a sign (to be obtained from the department of community development) in a conspicuous place on the property viewable by the general public and not more than 30 feet from the nearest edge of the closest public roadway at least 14 days prior to the scheduled meeting date.

**Section 11.100.130 Right to Entry.**

All cannabis producers and processors shall allow inspection of the site and facilities by Chelan 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.

## Section 11.100.140 Definitions.

The definitions herein apply to this chapter and, except as otherwise provided below, shall have the meaning established pursuant to Title 69 RCW and Chapter 314-55 WAC, as the same exist now or as they may later be amended.

If a term is not specifically defined in this section, an applicant may request from the administrator an administrative interpretation, in which the administrator shall reference the most current edition of Merriam-Webster's Dictionary, Black's Law Dictionary or the New Illustrated Book of Development Regulations.

When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

Cannabis: Cannabis as used in these regulations shall have the same meaning as "marijuana" or "marihuana" as those terms are defined in RCW 69.50.101. The term "cannabis" includes the terms "marijuana" or "marihuana". Cannabis means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Cannabis Processor: Cannabis Processor shall have the same meaning as "marijuana processor" as that term is defined in RCW 69.50.101. The term "cannabis processor" includes the term "marijuana processor". Cannabis Processor means a person licensed by the state liquor and cannabis board to process cannabis into useable cannabis and cannabis-infused products, package and label useable cannabis and cannabis-infused products for the sale in retail outlets, and sell useable cannabis and cannabis-infused products at wholesale to cannabis retailers.

Cannabis Producer: Cannabis Producer shall have the same meaning as "marijuana producer" as that term is defined in in RCW 69.50.101. The term "cannabis producer" includes the term "marijuana producer". Cannabis producer, means a person licensed by the state liquor and cannabis board to produce and sell cannabis at whole sale to cannabis processors and other licensed cannabis producers.

Child care center: means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under Chapter 170-295 WAC.

Elementary school: means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

Facility perimeter: means the outer limits of the premises under the control or possession of the cannabis licensee, either by means of deed, lease, contract or other arrangement, and which is used (or proposed to be used) in conjunction with cannabis production and processing. “Premises” means all buildings, structures, appurtenances, facilities and grounds held out for use by a cannabis licensee, including, but not limited to, employee parking facilities, security and lighting structures, or storage containers. See Appendix A, Graphics G-4 and G-5.

Game arcade: means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

Indoors: means cannabis production and/or processing operations conducted entirely within the interior of a building fully compliant with state and local regulations, including but not limited to, Chelan County Code Title 3 (Building Regulations). A “building” for purposes of this chapter means a permanent structure consisting of rigid walls, a roof, doors, and a foundation.

Library: means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

Outdoors: means any location that is not “indoors”. Outdoor production may utilize a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature plants.

Playground: means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment.

Public Park: means an area of land created, established, designated, maintained, provided or set aside for the purposes of public rest, play, recreation, enjoyment, education or assembly, and all buildings, facilities and structures located thereon or therein.

Public transit center: means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

Recreation center or facility: means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age.

Secondary school: means a school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction. A secondary school includes a high and/or middle school.

Tier 1: means a state issued cannabis production license that is restricted to a maximum allowable plant canopy as set forth in WAC 314-55-075 or less than two thousand square feet, whichever is less.

Tier 2: means a state issued cannabis production license that is restricted to a maximum allowable plant canopy as set forth in WAC 314-55-075 or between two thousand to ten thousand square feet, whichever is less.

Tier 3: means a state issued cannabis production licensee that is restricted to a maximum allowable plant canopy as set forth in WAC 314-55-075 or between ten thousand and thirty thousand square feet, whichever is less.

**Section 11.100.150 Severability.**

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

# Appendix A

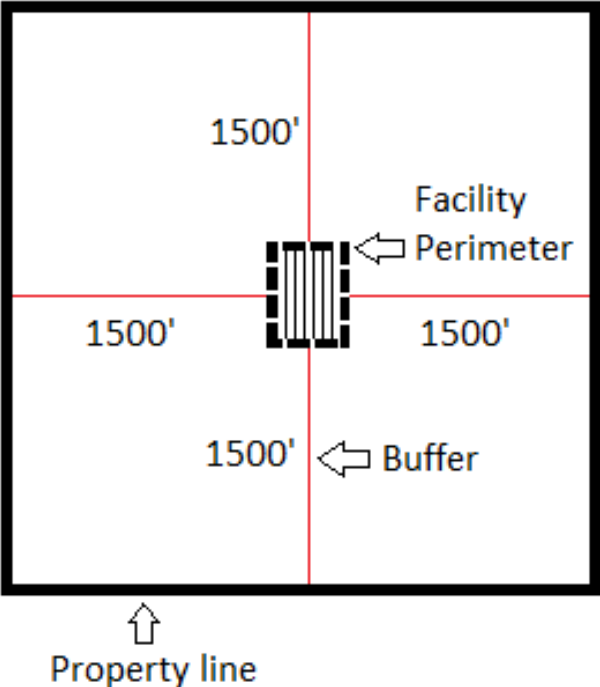
## GRAPHICS

<b>Numbers</b>	<b>Title</b>
G-1A	Slope Reduction Parking
G-1B	Slope Reduction Parking
G-1C	Slope Reduction Parking
G-2	Agricultural Setback for Habitable Space
G-3	Irregular-Shaped Lots
G-4	Buffer Measurement for Outdoor Cannabis Production (and Associated Processing)
G-5	Facility Perimeter for Cannabis Production/Processing



Graphic G-4, Buffer measurement for outdoor cannabis production (and associated processing)

Section 11.100.040(4)(b)(i) (Example Only)



Graphic G-5, Facility perimeter for cannabis production/processing  
(Area included within facility perimeter marked by vertical lines.)

Section 11.100.140 (Example Only)

