



To: Lewis County Planning Commission
From: Lee Napier, Director
Date: January 23, 2015
Subject: Review and Recommendation of draft Recreational Marijuana Amendment to Lewis County Code Title 17

Representative of local regulatory body, which included: Community Development, Public Health & Social Services, Public Works, Sheriff, and the Assessor's Office, met to jointly review and discuss the proposed code amendments. The group concurred that the current supplemental requirements and development standards, codified in current Lewis County Code, as well as the Washington Administrative Codes (WAC), administered by the Liquor Control Board, appear to lack adequate stipulations with respect to design expectation as well as codify community values. Conceptually the group supported the addition of development standards for marijuana production and processing to Lewis County Code Title 17.145 but offered comments and recommendations.

The following embodies a summary discussion and subsequent recommendations of the County Staff to the Lewis County Planning Commission with respect to the draft Recreational Marijuana Amendment to Lewis County Code Title 17.

Comment 1: Does WAC 314-55-097 direct the characterization of waste and the responsibility to characterize? The responsibility ought to fall to the producer or processor. There is a concern that the transport of the waste product and the destination will not be disclosed to the local regulator.

The disposal of the plant waste and composting provisions for this material are of concern to local government Solid Waste staff. The WAC provides guidance to Liquor Control Board with respect to managing the licenses and the transportation of the product, but it lacks consideration of the disposal and transportation of the byproducts and the environmental consequences of this particular industry.

Recommendation 1:

1. Amend Lewis County Code Chapter 17.145 to include language in the Development Standards that all structures and uses serving production or processing shall conform with Lewis County Code Chapter 8.15.XXX and 8.45.XXX.
2. Amend Lewis County Code Chapter 8.15.XXX, 8.45.XXX, and adopt WAC 314-55-097.
3. Amend the Schedule of Fees to include cost recovery for the service created for both code amendments.

Rationalization: The above recommendations improve transparency with notice and direction to the producer and processor prior to application for development with the County. An additional layer of local review allows tracking of the waste stream that is expected to pass through the approved and permitted county landfill, wastewater treatment plants, and compost facilities.

Comment 2: According to WAC 173-218-030¹, the liquid waste is characterized as industrial waste. Did the proposed code consider the type of infrastructure that could accommodate waste that was not generated by either a residence or employees? Liquid industrial waste cannot be directed to conventional on-site septic systems or to Large On-site Septic Systems.

Recommendation 2:

1. Amend Lewis County Code 17.145 to require development of a facility that generates a liquid industrial waste to address either coordinated disposal with existing public utility sewer treatment plan or permitted tank storage and disposal offsite to a permitted facility.
2. Amend Lewis County Code Chapter 17.145 to require coordination with an approved municipal system that can accept industrial waste. If the distribution system is not in place to accept the waste, the waste could be transported with the expectation that all records be submitted to the county.
3. Amend Lewis County Code Chapter 17.145 to require an on-site closed loop system along with treatment and waste characterization. This may also require an amendment to Lewis County Code Title 8 Health and Safety.

Rationalization: Production or processing facilities will either generate liquid waste that is characterized as dangerous or industrial waste. The liquid must be properly disposed of per WAC 314-55-097 and WAC 173. Currently Lewis County has limited areas with sufficient infrastructure to properly dispose of liquid industrial waste or dangerous

¹ **WAC173-218-030 "Industrial wastewater"** means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

waste and some of the existing sewer utilities are currently struggling with aging treatment plants and surface water intrusion overflow events.

Comment 3: WAC 314-55 does not speak to providing water quality and quantity to facilities, therefore the protection of water quality remains unresolved.

Recommendation 3:

1. Amend Lewis County Code 17.145 to address provision for adequate water of quality and quantity to assure a safe water supply at both production and processing facilities by requiring development of a fully approved public water supply consistent with WAC 246-290 or Lewis County Code Chapter 8.55.

Rationalization: The absence of consideration related to backflow protection, creates concern for the risk of contamination to drinking water. While the County recently adopted new standards for Group B systems, this review did not focus on industrial uses that may now be allowed with the proposed code amendments.

Comment 4: The proposed code amendments to Title 17, omitted a significant consideration, with respect to oversight by several local government departments. One example shared with the group, to emphasize this point, is the regulation of bio-solids. Currently bio-solids are exclusively regulated by Department of Ecology. In this situation no local governance exists for this particular industry, as it's entrusted to the state's limited staff to manage state-wide. The consequences of a singularly management issue by a state agency, is a potential disaster for local government and the citizenry.

Recommendation 4:

1. There is the opportunity to consider local code provisions, through amendments described above, to Lewis County Code, primarily Title 8 to allow for local oversight.

Rationalization: In similar situations, state agencies contract with local government. While this is a partial solution, it may continue to leave many branches of local government and the citizens we serve, feeling hamstrung. When the state fails to manage an industry, the local citizens will call their elected officials for assistance.

Comment 5: Does the Liquor Control Board buffer include Family Home Child Care and child care facilities located within a church?

Recommendation 5:

1. Amend Lewis County Code 17.145.150(8) to include Family Home Child Care Centers as defined in WAC 170.296A-1000.
2. *Amend Lewis County Code 17.145.150(8) to include pre-school and care centers located within a church.*