

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**NOTICE OF PUBLIC HEARING AND PROPOSED ACTION TO ADOPT AN
ORDINANCE REGULATING MARIJUANA ACTIVITY AND LIFTING A
MORATORIUM THEREON, REPEALING CHAPTER 8.60 AND AMENDING
CHAPTERS 5.20, 8.15, 8.40, 8.45, 8.55, AND 15.05, AND TITLE 17 OF LEWIS
COUNTY CODE AND AMENDING THE LEWIS COUNTY ANNUAL FEE
SCHEDULE.**

) **RESOLUTION NO. 16-281**
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WHEREAS, Ordinance 1268, an ordinance renewing a moratorium upon establishments or other development of facilities or other uses involved in the production, process and retail sale of marijuana and related product, will expire on November 23, 2016, six-months following enactment, unless extended by the Lewis County Board of County Commissioners (BOCC); and

WHEREAS, notice is hereby given that a public hearing and public notice, which are required by law, will be held by the BOCC in the hearing room at 351 NW North Street, Chehalis, Washington on November 14, 2016 at or after 10:00 am.

NOW THEREFORE BE IT RESOLVED, the purpose of the public hearing is to take public testimony or written comment concerning proposed Ordinance 1271 regulating marijuana activity and lifting a moratorium thereon, repealing chapter 8.60 and amending chapters 5.20, 8.15, 8.40, 8.45, 8.55, and 15.05, and Title 17 of Lewis County Code and amending the Lewis County Annual Fee Schedule; and

BE IT FURTHER RESOLVED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication as required by law; and

BE IT FURTHER RESOLVED, that a hearing is hereby scheduled for November 14, 2016 to take public testimony or written comment on the adoption of proposed Ordinance 1271 with final BOCC action to take place following the public hearing.

PASSED IN REGULAR SESSION by the BOCC, this 24th day of October, 2016.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

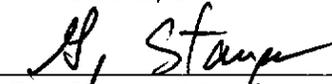


By: Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Absent

P.W. Schulte, Chair

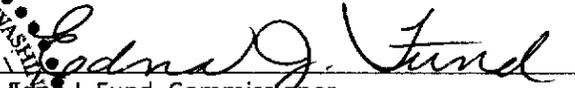


Gary Stamper, Vice Chair

ATTEST:



Rieva Lester, Clerk of the Board



Edna J. Fund, Commissioner



NOTICE OF PUBLIC HEARING BEFORE THE LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS AND INTENT TO ADOPT ORDINANCE 1271

NOTICE IS HEREBY GIVEN that the LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC) will hold a public hearing to receive public testimony. The hearing will be on November 14, 2016 at the Lewis County Courthouse, commencing at or after 10:00 a.m.

At the hearing members of the public will be invited to speak and/or provide written statements regarding the proposed Ordinance 1271. After the public testimony portion of the hearing has ended, the BOCC will deliberate and consider modifications to the ordinance that are proposed by members of the public, county employees or the BOCC. The proposed ordinance may then be adopted with or without modifications.

The hearing will address an ordinance regulating marijuana activity and lifting a moratorium thereon, repealing chapter 8.60 and amending chapters 5.20, 8.15, 8.40, 8.45, 8.55, and 15.05, and Title 17 of Lewis County Code and amending the Lewis County Annual Fee Schedule.

All persons wishing to be heard on this matter are encouraged to attend. Written comments may be submitted in advance of the hearing by mail or at the hearing by delivery in person. Please deliver copies of all written comments to the Clerk of the Lewis County BOCC at 351 NW North St, Chehalis, WA 98532.

The draft ordinance is available on line at the Lewis County website at <http://lewiscountywa.gov/planning-division>. Hard copies are available to review at the Lewis County Department of Community Development at 2025 NE Kresky Ave., Chehalis WA, and at the Timberland Regional libraries located at: Chehalis, Centralia, Salkum, Randle, Packwood, and Winlock, as well as the Lewis County Senior Centers located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock in accordance with Lewis County Code Chapter 17.12.

For questions concerning the above, please contact:
Lee Napier at Lewis County Community Development at 360-740-2606.

*This meeting site is barrier free.
People needing special assistance or accommodations should contact The Commissioners' Office
72 hours in advance of the meeting.
Phone: (360) 740-1120*

PUBLISH: On October 25, 2016 in the Chronicle and October 26, 2016 in the East County Journal/Rieva Lester, BOCC Clerk of the Board

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

AN ORDINANCE OF LEWIS COUNTY, WASHINGTON)
REGULATING MARIJUANA ACTIVITY AND LIFTING A) **ORDINANCE NO. 1271**
MORATORIUM THEREON, REPEALING CHAPTER 8.60 AND)
AMENDING CHAPTERS 5.20, 8.15, 8.40, 8.45, 8.55, AND)
15.05 AND TITLE 17 OF THE LEWIS COUNTY CODE, AND)
AMENDING THE LEWIS COUNTY ANNUAL FEE SCHEDULE)

WHEREAS marijuana production and processing pose special building and fire safety concerns, as recognized by the Washington Liquor Control Board in WAC 314-55-020(15) and WAC 314-55-104 and by the Washington State Building Code Council's promulgation of marijuana-specific building and fire code amendments;

AND WHEREAS marijuana production and processing pose special solid and liquid waste concerns, as recognized by the Washington Liquor Control Board in WAC 314-55-097, because wastes from these activities may require special handling as hazardous wastes or industrial wastewater;

AND WHEREAS marijuana production poses special wastewater concerns specifically in unincorporated Lewis County, because septic systems are not equipped to handle hydroponic or aquaponic wastewater containing high concentrations of pesticides or fertilizers;

AND WHEREAS marijuana producers, processors, and retailers pose special solid waste concerns in light of the Washington Liquor Control Board's special rules for the disposal of marijuana-related waste, codified in WAC 314-55-097;

AND WHEREAS marijuana producers, processors, and retailers pose special law enforcement concerns because of such businesses' difficulty banking or using credit, forcing them to have cash on hand;

AND WHEREAS marijuana producers, processors, and retailers pose special law enforcement and land use concerns from their connection with an intoxicating commodity;

AND WHEREAS marijuana producers, processors, and retailers pose special land use concerns under the Growth Management Act and Lewis County's development regulations, which require the preservation of Lewis County's rural character;

AND WHEREAS the Washington's Liquor Control Board's regulations primarily regulate the marijuana market from an economic and consumer-safety standpoint, but cross-reference and presuppose that local jurisdictions will address the building and fire, waste, water, and zoning issues of such businesses, as shown by WAC 314-55-020(15) (zoning, building, and fire), WAC 314-55-104 (building and fire), and WAC 314-55-097 (waste);

AND WHEREAS the growing and processing of medical marijuana, which was mostly subsumed within the market for recreational marijuana by Ch. 70 Laws of 2015, are subject to similar County regulation under RCW 69.51A.260(3) and 69.51A.250(3)(c);

AND WHEREAS the State Attorney General has opined that Counties have the power to exercise these regulatory powers in AGO 2014 No. 2;

AND WHEREAS marijuana businesses face unexpected regulatory difficulties from their recent illegality under Washington law and continuing illegality under federal law, including difficulties of taxation, corporate structure, cash flow, debt, and employment law, which require the County's regulations to be adaptable to changes as marijuana business activity evolves;

AND WHEREAS the Washington Liquor Control Board regulation WAC 314-55-020(9) requires a marijuana licensee to develop a detailed operating plan demonstrating compliance, which operating plan can be expanded to include compliance with local building and fire, waste, and zoning laws;

AND WHEREAS Lewis County staff have completed a State Environmental Policy Act analysis of the regulations proposed herein to explore its potential environmental effects;

NOW THEREFORE, having made the above findings, Lewis County hereby adopts the following code provisions and amendments, designed to license marijuana businesses in a manner consistent with the Washington Liquor Control Board regulations and all other applicable law including federal law, and to provide a mechanism whereby the numerous special concerns posed by marijuana businesses may be addressed conscientiously, as follows:

1. Lewis County hereby amends the existing Chapter 5.20 of the Lewis County Code as shown below (new material is underlined; deleted material is ~~struck through~~):

**Chapter 5.20
MARIJUANA PRODUCTION, PROCESSING AND RETAIL SALE**

Sections:

- 5.20.010 Purpose and scope.
- 5.20.020 Provision - License required.
- 5.20.030 Application requirements - Approval, denial, and appeal - Expiration and renewal - Revocation - Fees.
- 5.20.040 Enforcement - Penalties.

5.20.010 Purpose and scope.

(1) The purpose of this chapter is to regulate and monitor individuals or entities within the unincorporated areas of Lewis County, Washington, ~~licensed as producers, processors, and retailers of~~ engaged in marijuana activity or related products regulated under Chapter 314-55 WAC, now or as hereafter amended or replaced. Article XI, Section 11 of the Washington Constitution authorizes Lewis County to make and enforce within its limits local police, sanitary and other regulations in compliance with general

laws. The failure to procure a license under Chapter ~~314-55~~ WAC shall not be a defense for failing to comply with the provisions of this chapter, ~~and the provisions of this chapter which~~ shall apply to any individual or entity engaged in marijuana activity regulated under Chapter ~~314-55~~ WAC regardless of the regularity, for- or nonprofit status, or any other circumstances of such activity, producing, processing, or holding for sale marijuana or related products.

(2) Lewis County recognizes that the Constitution of the United States and the laws of the United States made in pursuance thereof are the supreme law of the United States and the state of Washington, as recognized by the plain reading of Article I, Section 2 of the Washington State Constitution and the decisions of the Washington Supreme Court. The purpose of this chapter is to ensure that all production, processing, and retailing of marijuana and related products within the unincorporated areas of Lewis County, Washington, comply with the supreme laws of the United States.

(3) Procurement of a license under this chapter will not waive the requirement for any other local, state, or federal permit or license as required by those entities.

5.20.020 Provision - License required.

(1) It shall be unlawful for any person or entity within the unincorporated areas of Lewis County, Washington, to engage in marijuana activity regulated under Chapter ~~314-55~~ WAC produce, process, or sell or hold out for sale marijuana or related products without first having obtained a license pursuant to the provisions of this chapter, ~~provided, that persons or entities only producing or processing marijuana under the authority of Chapter ~~69.51A~~ RCW (Medical Cannabis) shall not be subject to the requirements of this chapter, or to do so outside the conditions of a license so issued;~~ PROVIDED, that a license under this chapter is not required for persons to grow medical marijuana solely for their own use (including as members of a medical marijuana cooperative) so long as the marijuana activity complies with applicable state law and does not include any solvent- or CO2-based extraction. If the marijuana activity fails to comply with applicable state law and/or includes solvent- or CO2-based extraction, a license is required under this chapter.

(2) Procurement of a license or permit issued by state agencies, other counties, cities, or the federal government does not alleviate the requirement that all producers, processors, and retailers of marijuana or related products obtain a license pursuant to this chapter prior to operating within the unincorporated areas of Lewis County.

(3) The activities governed by this chapter are deemed to take place within the unincorporated areas of Lewis County, Washington, if any portion of the production, processing, or retail activities take place within the boundaries of the unincorporated areas of Lewis County, Washington; provided, that the provision of this chapter shall not apply to the transportation of marijuana or related products through Lewis County when the transportation is not related directly or indirectly to production, processing, or retail activities within the unincorporated areas of Lewis County. Production, processing, or retail activities which take place both within and without the unincorporated areas of Lewis County require a license as if all portions were to occur within the unincorporated areas of Lewis County.

5.20.030 Application requirements - Approval, denial, and appeal - Expiration and renewal - Revocation - Fees.

(1) Application Requirements. A license issued pursuant to this chapter shall be construed as a business license for ~~producing, processing, and retailing marijuana activity and related products~~ and shall only be issued following application to the director of community development. Applications for a license required by this chapter shall be submitted in such form and detail as reasonably prescribed by the director of community development. Such applications shall be signed by the applicant who shall certify that all of the information contained within and attached to the application is correct and, at a minimum, shall include: name, address, and date of birth or incorporation or origination of the applicant; hours of operation; emergency contact information for after-hours contact; payment of applicable fees; proof of state licensure under Chapter 210-010 WAC or application under Chapter 210-050 WAC; proof of registration approval from the United States Attorney General or Drug Enforcement Administration pursuant to 21 U.S.C. 823 for ~~producing, processing, or retailing the applicant's marijuana activity~~, as evidenced by notice from the United States Attorney General or Drug Enforcement Administration in the Federal Register; proof of a criminal history check indicating that the applicant has not been convicted of any crime involving a controlled substance; and proof of compliance with Lewis County zoning and land use, waste, wastewater, public water, and building and fire regulations. Proof of compliance with Lewis County regulations shall be obtained by developing an approved operating plan demonstrating compliance.

(2) Approval and Denial. The director of community development shall review all completed and properly submitted applications to determine whether the requirements as established in subsection (1) of this section and as prescribed by the director of community development have been met by the applicant. It shall be the burden of the applicant to show by a preponderance of the evidence that the applicant has met the requirements for the issuance of the license. Applications meeting the requirements as established in subsection (1) of this section and as prescribed by the director of community development shall be approved by the director of community development within 30 days of submission of the completed application and such approval shall be evidenced by a license signed by the director of community development and issued to the applicant by mailing the license to the applicant at the address provided in the application. Applications may be conditionally approved on satisfaction of or maintained compliance with the requirements of subsection (1). Applications not meeting the requirements as established in subsection (1) of this section and as prescribed by the director of community development shall be denied by the director of community development within 30 days of submission of the completed application and such denial shall be evidenced by a letter summarizing the deficiencies in the application and shall be signed by the director of community development and mailed to the applicant at the address provided in the application. Failure of the director of community development to take action on a completed and properly submitted application shall be deemed a denial of the application, but all fees paid by the applicant shall be returned to the applicant upon demand by the applicant to the director of community development. Denial of an application may be appealed to the hearing examiner pursuant to Chapter 220 LCC; provided, that no fee shall be charged for the appeal. Review by the hearing examiner shall be de novo.

(3) Incomplete or improperly submitted applications will not be considered by the director of community development.

(4) Expiration and Renewal. A license issued pursuant to this chapter shall be effective for one year from the date of application approval. An applicant desiring to renew a license may submit an application not earlier than 60 days prior to the expiration date of its current license. All applications for renewal shall be treated as an initial application and must meet all of the requirements of an initial application. No license shall issue under this chapter to an applicant holding another license issued pursuant to this chapter until the prior license expires or is revoked.

(5) Revocation. The director of community development may revoke a license issued under this chapter if the applicant at any time is found by a preponderance of the evidence to no longer meet the requirements established for application under subsection (1) of this section, or to be operating outside the conditions of the applicant's license. The director of community development shall revoke a license issued to an applicant under this chapter if the applicant at any time is found to have been convicted of a crime involving a controlled substance in any jurisdiction. The director of community development shall provide notice of the revocation to the applicant either by personal service or by mailing notice to the address provided to the applicant during the application process. Revocation of a license may be appealed to the hearing examiner pursuant to Chapter 222 LCC; provided, that no fee shall be charged for the appeal. Review by the hearing examiner shall be *de novo*. Upon notice to the applicant of revocation by the director of community development, the applicant shall stay all marijuana production, processing, and retailing activity immediately within 10 calendar days unless the revocation is appealed, in which case the stay shall not begin until after the hearing examiner lifts such stay pending appeal has ruled. However, when the director of community development is notified by the Department of Public Health & Social Services, based on a preponderance of the evidence, that the applicant's activity poses a significant threat to the public's health and safety, the director may, in addition to notice of revocation, provide to the applicant a cease-and-desist order requiring the applicant to immediately cease all marijuana activity, and such cease-and-desist order shall be an additional subject in the appeal if the applicant appeals the matter.

(6) The director of community development may review a license holder's compliance with this chapter at the director's discretion. The prosecuting attorney may, but is not required to, notify the director of community development if the holder of a license under this chapter is convicted of a crime involving a controlled substance or is otherwise believed to be out of compliance with the requirements of this chapter.

(7) Fees. The fee for the application shall be \$500.00 or as set from time to time by resolution.

5.20.040 Enforcement - Penalties.

Any person or entity failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not less than \$300.00 but not exceeding \$500.00 and shall be imprisoned in the county jail for a period not less than 24 consecutive hours but not

exceeding 90 days. A person or entity shall be guilty of a separate offense for each day in which a violation occurs. A person or entity can be charged as a principal if the person or entity is the principal violator or if the person or entity is liable as a principal under RCW 9A.08.022. In addition, a conviction under this section shall automatically revoke any license issued to the violator pursuant to this chapter and the violator shall not be eligible to apply for a license under this chapter for a period of three years from the date of conviction. Finally, a violation of any of the provisions of this chapter is a public nuisance that may be enjoined, abated, or otherwise remedied through a civil action. In addition to the usual remedies available in such civil action, the court shall impose a civil penalty of \$300 per day the public nuisance persists after the violator receives written notice of the nuisance and potential \$300-per-day penalty, unless by agreement of all parties such penalty is waived.

2. (a) Lewis County hereby amends the existing Chapter 8.15 of the Lewis County Code to add a new section, LCC 8.15.085, which reads:

8.15.085 Sites and exemptions relating to marijuana waste.

Consistent with this title and WAC 314-55-097(6), now or as hereafter amended or supplemented, the director may designate such disposal sites and/or exemptions as are appropriate for the disposal or on-site management of solid wastes from marijuana activity.

- (b) New section LCC 8.15.085 shall be listed in the table of contents of Chapter 8.15 LCC as follows:

8.15.085 Sites and exemptions relating to marijuana waste.

3. (a) Lewis County hereby amends the existing Chapter 8.40 of the Lewis County Code to add a new section, LCC 8.40.065, which reads:

8.40.065 Special applicability to marijuana businesses.

(1) When considering whether this chapter may be applied to new, repaired, replaced, or existing OSS for residential or nonresidential sources of sewage consisting at least in part of marijuana wastes regulated by WAC 314-55, now or as hereafter amended or supplemented, the health officer shall determine whether the treatment, siting, design, installation, operation, and maintenance measures necessary for public health are comparable to those to which this chapter are applied for non-marijuana wastes. The determination may include testing of the inflow or outflow, inspection, and/or other measures designed to determine whether the presence of marijuana wastes should be regulated under this chapter versus as industrial wastewater.

(2) If the health officer determines that OSS subject to subsection (1) of this section is comparable to OSS for non-marijuana waste regulated under this chapter, this chapter shall apply in the same manner as it does to OSS for non-marijuana waste, except where marijuana-specific environmental or regulatory factors dictate otherwise.

(3) If the health officer determines that OSS subject to subsection (1) of this section is not comparable to OSS for non-marijuana waste regulated under this chapter, this chapter shall not apply. Rather, the rules governing underground injection control wells from Chapter 173-218 WAC, now or as hereafter amended, shall apply, and dangerous waste regulations under Chapter 173-303 WAC may also apply. For such OSS, the Washington Dept. of Ecology shall enforce the applicable regulations. If the Washington Dept. of Ecology determines that the OSS is exempt from its regulations, however, this chapter shall apply.

(4) The manner in which OSS are to be utilized for residential or nonresidential sources of sewage consisting at least in part of marijuana wastes regulated by WAC 314-55, now or as hereafter amended or supplemented, shall be conformed to this chapter in the approved operating plan required by LCC 5.20.030 or separately if no approved operating plan is required. For OSS under subsection (3) of this section, the health officer shall notify the Washington Dept. of Ecology to enable it to approve or disapprove of any OSS specified or required in the operating plan.

(b) New section LCC 8.40.065 shall be listed in the table of contents of Chapter 8.40 LCC as follows:

8.40.065 Special applicability to marijuana businesses.

4. (a) Lewis County hereby amends the existing Chapter 8.45 of the Lewis County Code to add a new section, LCC 8.45.105, which reads:

8.45.105 Special considerations for marijuana waste.

The Washington Liquor Control Board regulations concerning solid waste disposal from marijuana activity, codified in WAC 314-55-097 now or as hereafter amended or supplemented, are adopted by reference. Except where marijuana-specific environmental or regulatory factors dictate otherwise, such waste shall be disposed of and/or managed in the same manner as other solid wastes, subject to the same permits, exemptions, or facilities. An inspection may be required to monitor compliance with marijuana-specific regulations. The manner in which such wastes are to be generated, disposed of, and/or managed shall be conformed to this chapter in the approved operating plan required by LCC 5.20.030. If such wastes may be dangerous wastes under Chapter 173-303 WAC, the waste generator shall bear responsibility for waste characterization and disposal, pursuant to the rules of the Department of Ecology, Southwest Clean Air Agency, or appropriate regulatory authority.

(b) New section LCC 8.40.065 shall be listed in the table of contents of Chapter 8.40 LCC as follows:

8.40.105 Special considerations for marijuana waste.

5. Lewis County hereby amends the existing Chapter 8.55 of the Lewis County Code as shown below (new material is underlined; deleted material is ~~struck through~~; materials described in * * * [ellipses and brackets] * * * are omitted as unchanged):

Chapter 8.55
GROUP B PUBLIC WATER SYSTEMS

8.55.010 Purpose, objectives, and authority.

(1) The purpose of this chapter is to protect the public health by establishing minimum design, construction, and other standards for Group B public water systems and specified water supplies. These rules are designed to ensure the provision of high quality drinking water in a reliable manner, and in a quantity suitable for intended use.

(2) The state board of health is authorized under RCW 43.20.050 to establish minimum requirements for the department of health and local boards of health.

(3) This chapter is intended to coordinate with other applicable statutes and rules for the design, construction and monitoring of Group B public water systems and specified water supplies under Chapter 70.05 RCW, Chapter 70.055 RCW, Chapter 246.280 WAC, and Chapter 246.291 WAC.

8.55.020 Application and scope.

(1) These rules apply to all areas of Lewis County, Washington, where Group B public water systems are used to provide drinking water to fewer than 15 service connections and:

- (a) Fewer than 25 people per day; or
- (b) Twenty-five or more people per day for fewer than 60 days per year, provided the system does not serve 1,000 or more people for two or more consecutive days.

(2) These rules do not apply to a Group B water system that:

- (a) Consists only of distribution or storage facilities and does not have any source or treatment facilities;
- (b) Obtains all water from, but is not owned by, a public water system where the rules of this chapter or Chapter 246.280 WAC apply; and
- (c) Does not sell water directly to any person.

(3) These rules do not apply to a Group B water system that provides water to one or two service connections, except:

- (a) When the department determines that it is necessary to protect public health and safety, such as if the system serves a connection with a use listed under LCC 8.05.043(81)(a) through (h)(i);
- (b) As identified in Table 1, One and Two Connection Water Supplies:

* * * [Table 1 omitted as unchanged] * * *

8.55.030 General administration.

(1) The health officer and the department shall administer this chapter under the authority and requirements of Chapters 70.05 and 43.20 RCW.

(2) RCW 70.05.030(7) authorizes health officers to charge fees for the administration of this chapter.

(3) RCW 70.05A.30 authorizes the Board of Health to adopt rules that require a purveyor of a Group B water system to obtain an annual operating permit.

(4) The department may enter into a joint plan of responsibility (JPR) with the Washington State Department of Health (DOH) for administration of specific aspects of WAC ~~246-291-030~~.

(5) Water systems serving marijuana activity regulated under Chapter 314-55 WAC shall be conformed to this chapter in the approved operating plan required by LCC 5.20.030.

8.55.040 Definitions, abbreviations, and acronyms.

The definitions, abbreviations, and acronyms in this section apply throughout this chapter unless the context clearly indicates otherwise.

* * * [Several definitions omitted as unchanged] * * *

(81) "Single-family residence" means a structure in which one or more persons maintain a common household. A single-family residence or structure which is used for an activity requiring a permit or license under one or more of the following rules is a Group B water supply and must meet the requirements of LCC 8.55.020(1):

(a) Food service, Chapter 246-215 WAC;

(b) Food inspection, Chapter 16-165 WAC;

(c) Residential treatment facility, Chapter 246-337 WAC;

(d) Transient accommodations, Chapter 246-360 WAC;

(e) Boarding homes licensing rules, Chapter 388-78A WAC;

(f) Minimum licensing requirements for child care centers, Chapter 170-295 WAC;

(g) School-age child care center minimum licensing requirements, Chapter 170-151 WAC; ~~or~~

(h) Adult family home minimum licensing requirements, Chapter 388-76 WAC; or

(i) Marijuana processor or producer, Chapter 314-55 WAC, except for persons growing medical marijuana for their own use (including medical marijuana cooperatives) in compliance with applicable state law.

* * * [rest of chapter omitted as unchanged] * * *

6. Lewis County hereby repeals Chapter 8.60 of the Lewis County Code, which dealt with collective medicinal cannabis gardens, in full. (Such gardens are no longer permitted under State law.)

7. Lewis County hereby amends the existing Chapter 15.05 of the Lewis County Code as shown below (new material is underlined; deleted material is ~~struck through~~; materials described in * * * [ellipses and brackets] * * * are omitted as unchanged):

Chapter 15.05 BUILDING CODES*

Sections:

15.05.010	Authority.
15.05.020	Adoption of codes.
15.05.030	Definition of terms.
15.05.040	Administration and procedures.
15.05.050	Board of appeals.
15.05.060	Application for permit.
15.05.070	Permit issuance.
15.05.080	Fees.
15.05.090	Fire prevention bureau.
15.05.110	Penalties.
15.05.120	Disclaimer of liability.
15.05.130	Code amendments and clarifications.

*[Codifier's Note: The latest adopted editions and amendments of the technical, construction and building codes, and appendices thereto, referred to in this title are on file and may be consulted by the public at the Building Section, Community Development Department, 2025 Kresky Ave., Chehalis, WA 98532-1900.]

15.05.010 Authority.

The authority for this chapter is Article XI, Section 11, of the Constitution of the State of Washington, RCW 36.32.100(7) and Chapter 19.27 RCW, known as the State Building Code Act. It is enacted for the benefit of the public in general and not for the special benefit of any one individual.

15.05.020 Adoption of codes.

(1) The below listed documents, one copy of each of which is on file in the office of the auditor of Lewis County, and below designated statutes of the state of Washington are each hereby referred to and adopted and made a part hereof as if fully set forth in this chapter, subject to the amendments thereto as hereinafter provided. The provisions of the below stated codes may be subject to amendment.

(a) The 2009 Edition of the International Building Code (IBC) and International Code Council (ICC)/ANSI A117.1-2003, including Appendix Chapter J (with additions and amendments thereto), as set forth in Chapter 51-50 WAC, with the following additions and amendments, is hereby adopted by reference:

IBC 306.2 Factory Industrial F-1 Moderate-hazard Occupancy is amended to include the following additional occupancies:

Marijuana growing of more than 15 plants
Marijuana processing

IBC 312.1 Utility and Miscellaneous Group U is amended to include the following additional occupancies:
Greenhouses and other structures used for cultivation, protection, or maintenance of plants (including marijuana growing of 15 or fewer plants):

(b) The 2009 International Residential Code for One- and Two-Family Dwellings (IRC), including Appendix Chapter G, as set forth in Chapter ~~51-51~~ WAC;

(c) The 2009 International Mechanical Code (IMC), as set forth in Chapter ~~51-52~~ WAC;

(d) The 2009 Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), and adopting Chapter ~~51-56~~ WAC, and Plumbing Code Appendices, Chapter ~~51-57~~ WAC;

(e) The Washington State Energy Code, as set forth in Chapter ~~51-11~~ WAC, the Washington State Ventilation and Indoor Air Quality Code, as set forth in Chapter ~~51-13~~ WAC, and the Washington State Historic Building Code, as set forth in Chapter ~~51-19~~ WAC;

(f) The 2006 International Fire Code, published by ICC, as set forth in Chapter ~~51-101~~ WAC; and specifically Section 307, as published by the International Code Council and as amended by WAC ~~51-109-101~~ et seq., and with the following additions and amendments and references thereto, and specifically county road and access standards under Chapter ~~1006~~ LCC, is hereby adopted by reference:

105.6.3a Carbon dioxide systems. A license under LCC 5.20.030 is required for carbon dioxide systems having more than 100 pounds of carbon dioxide if used to process marijuana; if not used to process marijuana, an operational permit is required.

105.6.3b Marijuana extraction systems. A license under LCC 5.20.030 is required to use a marijuana/cannabis extraction system regulated under WAC 314-55-104.

105.7.14 Marijuana extraction systems. A construction permit is required to install or construct a marijuana/cannabis extraction system regulated under WAC 314-55-104.

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. For purposes of this section, a Lewis County open burning permit shall be issued by the County Building Official, as the fire code official pursuant to Section 103, et seq.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also Chapter ~~17A-420~~ WAC. The Lewis County Building Official shall administer a permitting system under the provisions of Section

307 of the International Fire Code for outdoor burning, and shall adopt and enforce rules and procedures on issuance of such permits and the processes whereby such permitting will be conducted, as follows:

307.2.1.1 Silviculture exception. All silvicultural outdoor burning conducted in accordance with State law and rules and regulations adopted by the Department of Natural Resources are exempt from the county's permit requirements.

307.2.1.2 Agriculture exception. All agricultural outdoor burning conducted in accordance with state law and rules and regulations adopted by the Department of Ecology are exempt from the county's permit requirements.

EXCEPTION: Recreational fires shall be in accordance with Section 307.3.2.

307.2.1.3 Notification. Prior to commencement of open burning, if unregulated by the Lewis County open burning permit program, the fire department shall be notified. Prior to commencement of open burning in unincorporated areas under the Lewis County permit program, the county website or telephone messaging system of the Lewis County Building Official, under his/her authority as Fire Marshal, shall be contacted in accordance with permit requirements regarding weather conditions and open burning restrictions.

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Lewis County is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation, as set forth below.

307.2.2.1 Material restrictions. Open burning of rubbish containing paper products is prohibited. All outdoor fires shall be restricted to natural vegetation grown on the property where the burning occurs, consisting of leaves, clippings, pruning, residue from trees, stumps or other natural occurring vegetation. All other material is prohibited except what paper is necessary to ignite the burning process. Persons conducting a campfire may use commercial artificial logs generally designed for campfires.

307.2.2.2 Time and atmospheric restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the County's open-burning permit. Further, no open burning shall be performed during periods of discontinuance by the Building Official, as below discussed, by virtue of any other state agency or regional air quality authority permit or approval system, even if performed at such times and during atmospheric conditions which comply with the limits set forth in that other system, except where such permit or approval system expressly preempts local Building Official authority regarding discontinuance.

307.2.2.3 Burn periods and sizes. Outdoor burning regulated by a permit system shall require that only vegetation piles with outside dimensions no greater than 20 feet by 20 feet by 12 feet high shall be

allowed during the period from October 16th through June 30th. No fires shall be allowed between the period of July 1st and October 15th, except by a permit system, which shall include a 48-hour expiration on permits, the requirement of day-to-day monitoring of public announcements or postings by the Building Official on open burning restrictions, and that fires during this period shall be limited to vegetation piles with outside dimensions of no greater than twelve feet by twelve feet by eight feet high.

307.2.2.4 Restrictions on burn periods. No open burning shall be done during the declared period of impaired air quality or during a discontinuance of open burning ("burn ban") by the County Building Official. Burning conditions shall be obtained each day before starting to burn. Phone number will be provided on the permit or can be obtained from the County Building Official. Burning shall be conducted only during daylight hours and only one pile may be burned at a time and it must be extinguished before starting another.

307.2.2.5 Fire-extinguishing equipment. A garden hose connected to a water supply and other approved fire-extinguishing equipment, such as shovel, shall be readily available for use at open-burning site.

EXCEPTION: Fire-extinguishing equipment for recreational fires shall be in accordance with Section 307.4.1.

307.2.2.6 Discontinuance. The Building Official and the Lewis County Code Compliance Officer are authorized to require that open burning be immediately discontinued if the Building Official or the Lewis County Code Compliance Officer determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Building Official or the Lewis County Code Compliance Officer to constitute a potentially hazardous condition, Lewis County reserves the right under this section, to the fullest extent of its powers and as permitted by statute and the state constitution, to order discontinuance, as below discussed, of any manner of open burning authorized by any other public or private authority, which could threaten persons or property and the public health, safety or general welfare.

307.2.2.7 Discontinuance order on open-burning. The Building Official is authorized, to the fullest extent of County powers and as permitted by statute and the state constitution, to issue an emergency discontinuance order or 'burn ban' against all outdoor burning, including bonfires and recreational fires, noted in Section 307.3.1 & 307.3.2, authorized by any public or private authority, if he/she determines that conditions exist which immediately and potentially threaten persons or property and the public health, safety or general welfare. The Building Official shall promptly notify the board of commissioners of said discontinuance order or 'burn ban' and the reasons therefore. The board of commissioners, as soon as practical, shall at a public meeting to determine whether to extend the discontinuance order or 'burn ban' for an indefinite period. If extended, the discontinuance order or 'burn ban.' would remain in effect until the board of county commissioners resolve that the order be lifted. The Building Official shall be responsible for public announcements or postings for both "burn ban" and resumption on open-burning.

307.2.2.8 Enforcement. For purposes of Sections 103 - 111 of the IFC, the Building Official and the Lewis County Code Compliance Officer shall be responsible for enforcement of Section 307, as amended, and issue notices of violation to the person(s) responsible for the fire as set forth in Section 307.2.2.9, below. During discontinuance orders issued under Section 307.2.2.6, the Building Officer (or his designee), the Lewis County Code Compliance Officer or the Lewis County Sheriff may issue notices of violation for any open fire ignited in violation of Section 307, as amended, to the person(s) responsible for the fire as set forth in Section 307.2.2.9, below.

307.2.2.9 Penalties. A violation of Section 307, as amended, may subject a person to a civil enforcement under Section 120.040 of the Lewis County Code, to criminal citation under the penalties proscribed in RCW 9A.430(1), and as to any other remedy authorized in Ch. 9A RCW. If a fire protection authority is called to respond to, control or extinguish an illegal or out-of-control fire, such fire control authority may charge and recover from the person responsible for the fire the costs of its response and control action. Any person violating this Section will also be responsible civilly for any damage or injury caused to persons or property.

307.3 Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

EXCEPTIONS:

1. Fires in approved containers that are not less than 15 feet (4,572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.
3. The minimum required distance from a structure shall be not less than 50 feet for pile sizes greater than four feet by four feet.
4. No fires are permitted in or within 500 feet of forest slash without first obtaining a written permit under the rules of large fire permits.

307.3.1 Bonfires. A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173.401 WAC.

307.4 Attendance. Open burning, bonfires and recreational fires shall be constantly attended until the fire is extinguished, for purposes of permitted open burning, approved on-site fire-extinguishing equipment as required under Section 307.2.2.5, shall be available for immediate utilization.

307.4.1 Attendance at Recreational Fires. A recreational fire shall be constantly attended by a person knowledgeable in the use of the required fire extinguishing equipment and familiar with the County discontinuance or "burn ban" processes which restrict open burning. Buckets, shovels, garden hoses or a fire extinguisher complying with Section 906 with a minimum 4-A rating shall be readily available for use at recreational fires. An attendant shall supervise the recreational fire until the fire has been extinguished.

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

EXCEPTIONS:

1. Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.

2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

(g) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, with the following additions and amendments, is hereby adopted by reference:

501.1. Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by paying a \$100.00 filing fee and by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of Lewis County"
2. A caption reading: "Appeal of",

giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the Lewis County Treasurer who shall add the amount of the total assessment or the authorized annual installment of the next regular tax statement levied against the parcel.

SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR

The building official shall file a certified copy of the assessment with the County Auditor. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

SECTION 911 — COLLECTION OF ASSESSMENT: PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner and with interest at such rates as property taxes are collected as provided in RCW 84.08, as now or hereafter amended, and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, the body may refer the assessment to the Treasurer for accounting. The Treasurer shall annually certify delinquent installment accounts, and any interest thereon, for collection according to the manner property taxes are collected.

(h) The State Building Code Council's Emergency Rulemaking Order filed June 26, 2015, enacting 51-54A-3800 with respect to the fire code for marijuana processing or extraction facilities is hereby adopted by reference.

(i) The Washington Liquor Control Board's marijuana processor license extraction requirements, codified in WAC 314-55-104 now or as hereafter amended or supplemented, are hereby adopted by reference.

(2) In case of conflict among the codes enumerated in subsections (1)(a), (b), (c), (d), the Washington State Energy Code in subsection (e), and (f) of this section, the first named code shall govern over those following; provided, in the case of conflict between the duct insulation requirements of the Washington State Energy Code and the duct insulation requirements of the International Mechanical Code, the provisions of the energy code shall govern.

(3) In the case of conflict between the ventilation requirements of the International Mechanical Code, the International Building Code, International Residential Code and the Washington State Ventilation and Indoor Air Quality Code, the provisions of the Washington State Ventilation and Indoor Air Quality code shall govern.

(4) In case of conflict between the Uniform Plumbing Code and Lewis County health board regulations with respect to the installation, maintenance or repair of septic tank systems, the more restrictive provision shall control.

(5) In case of conflict between any of the regulations adopted above relating to marijuana and other, more general regulations, the marijuana-specific regulations shall control for all marijuana-related activities, construction, and occupancies. Any activity, construction, or occupancy regulated under Chapter 314-55 WAC shall be conformed to this chapter, which may require an approved operating plan under LCC 5.20.030.

*** [rest of chapter omitted as unchanged] ***

8. Lewis County hereby amends the existing Chapter 17.10 of the Lewis County Code as shown below (new material is underlined; deleted material is ~~struck through~~; materials described in *** [ellipses and brackets] *** are omitted as unchanged):

Chapter 17.10 DEFINITIONS

Sections:

- ~~17.10.001~~ Developed land.
- ~~17.10.003~~ Development.
- ~~17.10.010~~ Development standards.
- ~~17.10.020~~ Disability.
- ~~17.10.030~~ Drainage ditch.
- ~~17.10.035~~ Dwelling unit.
- ~~17.10.040~~ Essential public facilities, local

17.10.07601 Essential public facilities, major.
17.10.077 Extraction, commercial.
17.10.078 Extraction, noncommercial.
17.10.079 Fabrication.
17.10.080 Family.
17.10.081 Family dwelling.
17.10.082 Family emergency.
17.10.083 Family member.
17.10.084 Farm enhancement.
17.10.085 Floor area of a nonresidential building.
17.10.086 Floor area.
17.10.087 Floor area ratio (FAR).
17.10.088 Forest industries.
17.10.089 Forest practice.
17.10.090 Forest products.
17.10.091 Grade (adjacent ground elevation).
17.10.092 Grocery store.
17.10.093 Gross density.
17.10.094 Group home.
17.10.095 Hazardous waste.
17.10.096 Hazardous waste treatment and storage facilities.
17.10.097 Hearing examiner.
17.10.098 Home based industry.
17.10.099 Home occupation.
17.10.100 Hotel.
17.10.101 Industrial.
17.10.102 Junk.
17.10.103 Launch ramp.
17.10.104 Loading space, off-street.
17.10.105 Repealed.
17.10.106 Lot clustering.
17.10.107 Lot coverage.
17.10.108 Manufacturing.
17.10.109 Marijuana processing.
17.10.110 Marijuana production.
17.10.111 Marijuana retailer.
17.10.112 Miscellaneous or future marijuana uses.
17.10.113 Mobile home.
17.10.114 Modular/manufactured home.
17.10.115 Mobile home park.
17.10.116 Motel.

[17.10.139](#) Multifamily development.

[17.10.141](#) Multifamily dwelling.

[17.10.143](#) Nonconforming structure.

[17.10.145](#) Nonconforming use.

[17.10.147](#) Open record appeal hearing.

[17.10.149](#) Open record hearing.

[17.10.151](#) Open space.

[17.10.161](#) Ordinary high water mark (OHWM).

[17.10.163](#) Owner of record.

[17.10.165](#) Parcel.

[17.10.167](#) Park.

[17.10.169](#) Parking space, off-street.

[17.10.171](#) Permanent foundation.

[17.10.181](#) Permitted use.

[17.10.183](#) Person.

[17.10.185](#) Planning Commission.

[17.10.187](#) Private club.

[17.10.189](#) Professional office.

[17.10.191](#) Prohibited use.

[17.10.193](#) Project permit - Project permit application.

[17.10.195](#) Public comment period.

[17.10.197](#) Public facilities.

[17.10.199](#) Public Meeting.

[17.10.181](#) Public and private playgrounds and golf grounds.

[17.10.183](#) Public recreation.

[17.10.185](#) Public services.

[17.10.187](#) Public sewer.

[17.10.189](#) Public water.

[17.10.191](#) Recreational vehicle.*

[17.10.193](#) Recreational subdivision.*

[17.10.195](#) Recreational vehicle park.*

[17.10.197](#) Recreation areas.

[17.10.199](#) Reserve tract.

[17.10.199](#) Residential unit.

[17.10.201](#) Resident.

[17.10.203](#) Resource uses.

[17.10.205](#) Restaurant.

[17.10.207](#) Reclamation.

[17.10.209](#) Retirement and convalescent home.

[17.10.209](#) Road.

[17.10.211](#) Rooming house.

- 17.10.213 Seat.
- 17.10.214 Setback.
- 17.10.215 Sign.
- 17.10.216 Single-family dwelling.
- 17.10.219 Site area.
- 17.10.221 Solid waste disposal facilities or sites.
- 17.10.223 Special use.
- 17.10.224 Structure.
- 17.10.227 Surface mining.
- 17.10.229 Truck stop.
- 17.10.231 Unbuildable land.
- 17.10.232 Unsuitable land.
- 17.10.234 Warehousing.
- 17.10.237 Wholesale trade.
- 17.10.239 Wireless communication facility.
- 17.10.241 Yard, front.
- 17.10.242 Yard, rear.
- 17.10.243 Yard, side.

17.10.001 Generally.

Certain terms and words used in this ordinance are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. [Ord. 1170B, 2000]

* * * [Several definitions omitted as unchanged] * * *

17.10.131 Manufacturing.

"Manufacturing" means establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. [Ord. 1170B, 2000]

17.10.132 Marijuana Processing

"Marijuana processing" means converting harvested marijuana into useable marijuana and marijuana-infused products by any person or entity that holds a valid marijuana processor license issued by the Washington State Liquor Control Board under WAC 314-55-077 as now in effect or hereafter amended.

(1) "Type 1 Marijuana Processing" means marijuana processing as provided under WAC 314-55-077 that is limited to drying, curing, trimming, and packaging marijuana for retail sale.

(2) "Type 2 Marijuana Processing" means marijuana processing as provided under WAC 314-55-077 that extracts concentrates, infuses products, or involves the mechanical and/or chemical processing in addition to or instead of drying, curing, trimming, and packaging for retail sale.

17.10.13201 Marijuana Production

"Marijuana production" means the growing and wholesaling of marijuana by any person or entity that holds a valid license issued by the Washington State Liquor Control Board under WAC 314-55-075 as now in effect or hereafter amended.

17.10.13202 Marijuana Retailer

"Marijuana retailer" means a retail outlet that sells useable marijuana, marijuana-infused products, and marijuana paraphernalia and is owned by any person or entity that holds a valid marijuana retailer license issued by the Washington State Liquor Control Board under WAC 314-55-079 as now in effect or hereafter amended.

17.10.13203 Miscellaneous or Future Marijuana Uses

"Miscellaneous or future marijuana uses" are marijuana activities other than marijuana production, processing, and retail.

(1) If any future marijuana activity regulated under Chapter 314-55 WAC, now or as hereafter amended or replaced, falls outside of the definitions of marijuana retailer, production, or processing herein, such activity shall be subject to this title's provisions pertaining to marijuana uses to the extent possible, except as otherwise specified in this section.

(2) Persons growing medical marijuana solely for their own use (including members of a medical marijuana cooperative under WAC 314-55-410 et seq., now or as hereafter amended) shall be treated as a noncommercial greenhouse use under this title instead of as marijuana production or processing, so long as the marijuana activity complies with applicable state law and does not include any solvent- or CO2-based extraction. If the marijuana activity fails to comply with applicable state law and/or includes solvent- or CO2-based extraction, it shall be regulated as marijuana production or processing, as appropriate under this title.

17.10.133 Mobile home.

"Mobile home" means a detached single-family dwelling unit as defined and regulated under Chapter 17.42 LCC. [Ord. 1170B, 2000]

*** [Rest of chapter omitted as unchanged] ***

9. Lewis County hereby amends the existing table in 17.42.030 of the Lewis County Code as shown below (new material is underlined; deleted material is ~~struck through~~; materials described in *** [ellipses and brackets] *** are omitted as unchanged):

17.42.030 Land use summary – Local areas of more intensive rural development.

See Table 1 of this section.

**Table 1: Rural Area Land Use
– LAMIRDS Zoning Summary**

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
* * * [several table entries omitted as unchanged] * * *							
I	On-site treatment/ storage of hazardous waste	P - accessory	P - accessory	P - accessory	P - accessory	P - accessory	P - accessory
II	<u>Type 1 marijuana processing</u>	X	X	SUP	X	X	X
II	<u>Type 2 marijuana processing</u>	X	X	SUP	X	X	X
II	<u>Marijuana production</u>	X	X	SUP	X	X	X
II	<u>Marijuana retailer</u>	SUP	X	X	SUP	SUP	X
KEY	P = Permitted Use A = Administrative Review n/a = not applicable			SUP = Special Use Permit X = Prohibited			

10. Lewis County hereby amends the existing table in 17.42.040 of the Lewis County Code as shown below (new material is underlined; deleted material is ~~struck through~~; materials described in * * * [ellipses and brackets] * * * are omitted as unchanged):

17.42.040 Rural area land use zoning summary.

See Table 2 of this section.

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
* * * [several table entries omitted as unchanged] * * *				

II	Utilities, roads, support facilities; and public facilities, public services, including parks	A	A	A
II	<u>Type 1 marijuana processing</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>
II	<u>Marijuana production</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>
II	Essential public facilities			
n/a	Local	SUP	SUP	SUP
	Regional	Amend CP	Amend CP	Amend CP
*** [rest of table entries omitted as unchanged] ***				
KEY	P = Permitted Use A = Administrative Review X = Prohibited	SUP = Special Use Permit RMP = Rural Master Plan	*** [Rest of KEY omitted as unchanged] ***	

11. (a) Lewis County hereby amends the existing Chapter 17.75 of the Lewis County Code to add a new section, LCC 17.75.037, which reads:

17.75.037 Special Uses

The following uses may locate in the Rural Area Industrial district with a special use permit:

- (1) Marijuana production
- (2) Type 1 marijuana processing

(b) New section LCC 17.75.037 shall be listed in the table of contents of Chapter 17.75 LCC as follows:

17.75.037 Special uses.

12. (a) Lewis County hereby amends the existing Chapter 17.30 of the Lewis County Code to add a new section, LCC 17.30.475, which reads:

17.30.475 Special Uses

The following uses may locate in privately owned Forest Resource Lands with a special use permit:

- (1) Marijuana production
- (2) Type 1 marijuana processing

(b) New section LCC 17.30.475 shall be listed in the table of contents of Chapter 17.30 LCC as follows:

17.30.475 Special uses.

(c) Lewis County hereby amends the existing Chapter 17.30 of the Lewis County Code to add a new section, LCC 17.30.635, which reads:

17.30.635 Special Uses

The following uses may locate in privately owned Agricultural Resource Lands with a special use permit:

- (1) Marijuana production
- (2) Type 1 marijuana processing

(d) New section LCC 17.30.635 shall be listed in the table of contents of Chapter 17.30 LCC as follows:

17.30.635 Special uses.

13. (a) Lewis County hereby amends the existing Chapter 17.145 of the Lewis County Code to add a new section, LCC 17.145.150, which reads:

17.145.150 Development Standards for Marijuana Production and Processing

- (1) The location of all marijuana production and/or processing, including related structures, shall not be closer than one hundred feet from any property line when not located in the Small Town Industrial and Rural Area Industrial districts.
- (2) The location of all marijuana production and/or processing, including related structures, shall be on parcels with direct access to a public road.
- (3) No marijuana production and/or processing shall occur on parcels less than five-acres in area, except in the Small Town Industrial and Rural Area Industrial districts. A special use permit for marijuana production and/or processing may require odor control measures to protect neighboring properties from potential odor nuisances.
- (4) No facility used for marijuana production and/or processing shall use permanent standby or portable power generators using combustible fuels as a sole source of electrical power, except during periods of power outages.
- (5) Any outside lighting proposed for marijuana production and/or processing, including security lighting shall have hoods and/or shields to prevent light transmission to neighboring properties.
- (6) The position of cameras required for surveillance systems for marijuana production and/or processing shall not intrude on the privacy of neighboring properties.
- (7) All structures serving marijuana production and/or processing shall conform to Title 15 of the Lewis County Code, except as provided under RCW 19.27.065.
- (8) All structures and uses serving production and/or processing of recreational marijuana shall conform to Title 8 of the Lewis County Code, pertaining to solid waste disposal, and to Chapter

8.40 LCC or Chapters 173-216, 173-218, or 173-303 WAC, as appropriate, pertaining to sewage or wastewater disposal.

- (9) The development of a marijuana producing and/or processing facility that will generate a liquid industrial waste shall address either:
- the coordinated disposal with an existing municipal utility sewer treatment plant, or
 - a permitted tank storage and transport disposal offsite to a permitted facility , or
 - an on-site closed loop system along with treatment and waster characterization.
- (10) The development of a marijuana producing and/or processing facility shall implement a fully approved public water supply consistent with WAC 246-290 or Chapter 8.55 of the Lewis County Code.
- (11) All structures and uses serving marijuana production and/or processing shall conform to the licensing requirements of Chapter 5.20 of the Lewis County Code.
- (12) In addition to the buffer requirements stated WAC 314-55, marijuana production and/or processing shall not locate within one thousand feet of any hospital or any Family Home Child Care Center as defined in WAC 170.296A-1000. The distance shall be measured as the shortest straight-line distance from the property line of the marijuana production or processing facility to the property line of the hospital or Family Home Child Care Center.
- (13) No marijuana production and/or processing shall occur on a parcel that is within two thousand five hundred feet of any other parcel serving marijuana production and/or processing. The distance shall be measured as the shortest straight-line distance from the property line of the later-in-time marijuana production or processing facility to the property line of the other facility.
- (14) A special use permit granted under Chapter 17.115 of this code for marijuana production and/or processing shall expire automatically if the Washington State Liquor Control Board revokes the facility's valid license issued under Chapter 314-55 of the Washington Administrative Code or if the facility's license under Chapter 5.20 of the Lewis County Code expires, is revoked, or ceases to be valid.

(b) New section LCC 17.145.150 shall be listed in the table of contents of Chapter 17.145 LCC as follows:

17.145.150 Development standards for marijuana production and processing.

(c) Lewis County hereby amends the existing Chapter 17.145 of the Lewis County Code to add a new section, LCC 17.145.160, which reads:

17.145.160 Development Standards for Marijuana Retailers

- (1) External security lighting for marijuana retailers shall shield glare or light transmission to neighboring properties.

- (2) The position of cameras required for surveillance systems for marijuana retailers shall not intrude on the privacy of neighboring properties.
- (3) Marijuana retailers shall conform to Title 8 of the Lewis County Code, pertaining to solid waste disposal, and to Chapter 8.40 LCC or Chapters 173-216, 173-218, or 173-303 WAC, as appropriate, pertaining to sewage or wastewater disposal.
- (4) Marijuana retailers shall implement a fully approved public water supply if and to the extent required by WAC 246-290 and Chapter 8.55 of the Lewis County Code.
- (5) All structures and uses serving marijuana retail shall conform to Title 15 of the Lewis County Code, except as provided under RCW 19.27.065.
- (6) All structures and uses serving marijuana retail shall conform to the licensing requirements of Chapter 5.20 of the Lewis County Code.
- (7) Marijuana retailers shall locate on parcels with direct access to the following transportation routes under the standards of the Washington State Department of Transportation: state highways, arterials, and major collectors.
- (8) In addition to the buffer requirements stated WAC 314-55, marijuana retailers shall not locate within one thousand feet of any hospital or any Family Home Child Care Center as defined in WAC 170.296A-1000. The distance shall be measured as the shortest straight-line distance from the property line of the marijuana retailer to the property line of the hospital or Family Home Child Care Center.
- (9) No marijuana retailer shall locate on a parcel that is within the same ZIP postal code region as any other marijuana retailer, except that in the region corresponding to the 98532 postal code, one retailer may locate on each side of Interstate 5. Only marijuana retailers in unincorporated Lewis County shall be counted when considering this limitation: marijuana retailers located within an incorporated town or city shall not preclude the location of another retailer within the same ZIP code.
- (10) A special use permit granted under Chapter 17.115 of this code for a marijuana retailer shall expire automatically if the Washington State Liquor Control Board revokes the facility's valid license issued under Chapter 314-55 of the Washington Administrative Code or if the facility's license under Chapter 5.20 of the Lewis County Code expires, is revoked, or ceases to be valid.

(d) New section LCC 17.145.160 shall be listed in the table of contents of Chapter 17.145 LCC as follows:

17.145.160 Development standards for marijuana retailers.

14. (a) Lewis County hereby amends the annual categorized schedule of fees for the departments of Community Development, Public Works, and Public Health & Social Services as shown below (new material is underlined; deleted material is ~~struck through~~; materials described in * * * [ellipses and brackets] * * * are omitted as unchanged):

* * * [Initial table entries omitted as unchanged] * * *			
Category B: Department of Community Development			
ITEM	2015 BASE FEE	2015 VARIABLE FEE	ADDITIONAL FEES AND/OR PERMITS THAT MAY BE REQUIRED
Wireless Communications Facility (up to 3 hours Planning staff review time plus 4 hours support staff review time)	\$695		\$90 Planning Review Fee \$605 SEPA Fee w/ Legal Publication (Regular); \$600 Hearing Examiner fee; \$100 Hourly Rate applies over 7 hours. Additional Fees may apply
<u>MARIJUANA PRODUCTION/PROCESSING/RETAIL</u>			
<u>Business License</u>	<u>\$400</u>		<u>[Normal fees for applicable Public Water, Septic/Wastewater, Building/Fire, Special Use, and/or Solid Waste permits]</u>
* * * [Several entries omitted as unchanged] * * *			
Category C: Public Health Services			
ITEM	2015 BASE FEE	2015 VARIABLE FEE	ADDITIONAL FEES AND/OR PERMITS THAT MAY BE REQUIRED
<u>SOLID WASTE</u>			
* * * [Several entries omitted as unchanged] * * *			
Landfill / Class 1 Infectious Waste Site Permit – Closure	\$630		
<u>Marijuana Ch. 314-55 WAC Compliance Inspection</u>	<u>\$150</u>		
Recycling Center – New	\$630		Up to 13 hrs. staff time
* * * [Rest of table omitted as unchanged] * * *			

(b) Nothing about this ordinance shall alter the customary practice of amending, adopting, or readopting the annual categorized schedule of fees for the departments of Community Development, Public Works, and Public Health & Social Services via a county resolution. Such changes may continue to be made by resolution rather than ordinance.

			\$100 Hourly Rate applies over 7 hours. Additional Fees may apply
MARIJUANA PRODUCTION/PROCESSING/RETAIL			
<u>Business License</u>	\$400		[Normal fees for applicable Public Water, Septic/Wastewater, Building/Fire, Special Use, and/or Solid Waste permits]
* * * [Several entries omitted as unchanged] * * *			
Category C: Public Health Services			
ITEM	2015 BAS E FEE	2015 VARIABLE FEE	ADDITIONAL FEES AND/OR PERMITS THAT MAY BE REQUIRED
SOLID WASTE			
* * * [Several entries omitted as unchanged] * * *			
Landfill / Class 1 Infectious Waste Site Permit – Closure	\$630		
<u>Marijuana Ch. 314-55 WAC Compliance Inspection</u>	\$150		
Recycling Center – New	\$630		Up to 13 hrs. staff time
* * * [Rest of table omitted as unchanged] * * *			

(b) Nothing about this ordinance shall alter the customary practice of amending, adopting, or readopting the annual categorized schedule of fees for the departments of Community Development, Public Works, and Public Health & Social Services via a county resolution. Such changes may continue to be made by resolution rather than ordinance.

15. Lewis County Ordinance 1268, passed by this Board on May 23, 2016 and establishing a moratorium for marijuana business activity in Lewis County, shall be repealed in entirety on the effective date established in section 18, below.
16. All provisions of the Lewis County Code not specifically addressed herein shall remain in full force and effect.
17. If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain valid and continue in full force and effect.
18. Except for section 15 above, this ordinance is in the public interest and shall be effective immediately upon passage. Section 15 shall be

effective beginning at 8:00AM two days following such passage (to demonstrate that all regulations herein were enacted and effective in advance of the moratorium's expiration).

PASSED IN REGULAR SESSION THIS ____ day of ____, 2016, after a public hearing was held, pursuant to notices published in the *Chronicle* on October 25, 2016 and in the *East County Journal* on October 26, 2016.

**APPROVED AS TO FORM:
COMMISSIONERS
JONATHAN MEYER, PROS. ATTORNEY
WASHINGTON**

**BOARD OF COUNTY
LEWIS COUNTY,**

Eric Eisenberg, Deputy Prosecuting Attorney

P.W. Schulte, Chair

Rieva Lester, CMC, Clerk of the Board

Gary Stamper, Vice Chair

Edna J. Fund, Commissioner