

## Summary of Options for Addressing Bottled Water Plants

Action	Option	Description & Notes
Amend ( <u>underlined</u> ) the definition for Standalone Food or Beverage Manufacturing under LCC 17.10.190	1 A	<p>Standalone food or beverage manufacturing means a food or beverage processing use that is not accessory or incidental to a primary underlying agricultural use. The use may include the assembly or manufacturing of packaging for the processed product. Processing or manufacturing uses that are accessory or incidental to a primary agricultural use are considered an "agricultural" use for the purpose of Chapter 17.42 LCC. <u>Standalone food or beverage manufacturing does not include the extraction of ground or surface water and/or facilities that produce bottled water.</u></p> <p><i>Note: This amendment separates bottled water from standalone food and or beverage manufacturing.</i></p>
Add ( <u>underlined</u> ) a new definition under LCC 17.10.020	2 A	<p><u>Bottled water is water intended for human consumption and sealed in bottles or other containers. The definition of bottled water includes enhanced bottled water, a category of beverages marketed as water with added ingredients, such as natural or artificial flavors, sugar, sweeteners, vitamins, and minerals.</u></p> <p><i>Note: The adoption of this definition for bottled water is necessary if the county intends to allow its use in a zoning district.</i></p>
Add ( <u>underlined</u> ) a new definition under LCC 17.10.020	2 B	<p><u>Bottled water is water intended for human consumption and sealed in bottles or other containers. The definition of bottled water includes enhanced bottled water, a category of beverages marketed as water with added ingredients, such as natural or artificial flavors, sugar, sweeteners, vitamins, and minerals. The extraction of ground or surface water for bottled water and/or the facilities that produce bottled water is a major industrial development that is an inconsistent use within any designated Rural Area Zoning District, Resource Lands, and Chapter 17.150 LCC.</u></p> <p><i>Note: The adoption of this definition for bottled water is necessary if the county intends to prohibit the use.</i></p>

Action	Option	Description & Notes
<p>Add as a Use Type: (J) The extraction of ground or surface water and/or facilities that produce bottled water” under the Resource Category in Table 1, LCC 17.42.020 in one or more of the following zoning districts</p>	<p>3 A 3 B 3 C</p>	<p>Rural Area Industrial (RAI) District Small Town Mixed Use (STMU) District Small Town Industrial (STI) District</p> <p><i>Note: This action would limit this use only to these districts and would be prohibited in all other districts. Please read <b>Attachment 1</b> detailing the Purpose Statements for each district to assess the appropriateness of the proposed use for each district.</i></p>
<p>Identify The extraction of ground or surface water and/or facilities that produce bottled water as a Permitted, Administrative Approval, or Special Use within a Rural Area Zoning District</p>	<p>4 A 4 B 4 C</p>	<p>List as a Permitted Use in a chosen district List as an Administrative Approval in a chosen district List as a Special Use in a chosen district</p> <p><i>Note: Please see <b>Attachment 2</b> describing the differences between Permitted Uses, Administrative Approvals, and Special Use</i></p>

## Attachment 1

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Below are the purpose statements for each LAMIRD district listed under Options 3A, 3B, and 3C. These Purpose Statements are important for understanding why the county is establishing the district and the type of uses that generally are appropriate for locating in them.

These statements will help you in deciding whether “**The extraction of ground or surface water and/or facilities that produce bottled water**” is an appropriate use for a district.

### **Option 3A: Rural Area Industrial (RAI)**

Rural Area Industrial sites are rural areas of more intense development under RCW 36.70A.070 and have been identified where industrial activities have existed historically and are planned for future activity, in concert with plans by public agencies. The purpose of this zone is to provide guidelines for development in such zones, and to insure that such zones do not create a need for urban services or lead to urban development in rural areas. [[LCC 17.75.010](#)]

### **Option 3B: Small Town Mixed Use (STMU)**

Small towns have been the historic, cultural, and commercial hubs for rural Lewis County. As such, public infrastructure including schools, fire, and often water systems are in place. The purpose of the Mixed Use/Commercial District is to provide land areas within the small towns for the siting of commercial uses which serve the surrounding community with a broad range of retail goods and services. Property within this district may also serve to meet the residential needs of the community in accordance with the capability of local facilities. The Mixed Use/Commercial Districts are designed to assure infilling consistent with surrounding uses and the existing public facilities and character of the area. [[LCC 17.45.010](#)]

### **Option 3C: Small Town Industrial (STI)**

Small towns in Lewis County, and particularly Packwood and Randle, have provided significant employment centers for substantial numbers of Lewis County rural residents, typically in the form of mills and companies servicing the forest products and agricultural industries. The purpose of the Small Town Industrial District is to assure that areas historically devoted to intensive employment activities are protected to enable communities to maintain or re-establish their economic base and to assure continuation of locations to provide services and support to maintain long-term commercially significant resource activities. [[LCC 17.55010](#)]

## Attachment 2

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At the last Planning Commission, our discussions identified three types of approvals for uses: permitted uses, administrative uses, and special uses.

### Permitted Uses (P)

Permitted uses are ones that the zoning code allows outright in zoning district. When looking at Table 1 under Chapter 17.42, a "P" identifies which uses fall under this category. For example, single-family residential carries a "P" under RDD-5, RDD-10, and RDD-20.

When an applicant submits an application for a permitted use, the planning staff has no discretion about approving or not approving the use when it is listed as a "P" in a zone *unless* there are problems with other aspects of the project, such as with lot size, setbacks, and building code requirements. In these situations, additional review through the variance procedure may be necessary. Table 17.05-1 in the code identifies these as Type I project permits.

A permitted use normally is a Type I decision under the code and does not require any public review. However, if a permitted use triggers the requirement for environmental review under the State Environmental Policy Act (SEPA), the county will only publish notice in the newspaper.

In a Type I project permit, a person can appeal the decision by the planning staff to the Hearing Examiner.

### Uses Requiring Administrative Approval Review (A)

Public comment and review by planning staff is necessary under the zoning code for certain types of uses listed under LCC 17.42, Table 1. These are uses identified with an "A." For instance, "clustered tourist uses" carry an "A" in the RDD zones.

Table 17.05-1 in the code identifies these as Type II project permits that provide planning staff limited discretion in determining if the use is appropriate for a zone. Staying with the "clustered tourist uses" example, LCC 17.42, Table 1, the planning staff must decide if the project meets the criteria under LCC 17.142.090. If it does, the staff can approve or condition the application. If it does not, the staff can deny the application. As with Permitted Uses, Administrative Uses must comply with other provisions of the code before approval is possible.

If the administrative approval does not require environmental review-i.e. is exempt under the State Environmental Policy Act- public notice only requires mailing of notice to property owners within 500 feet of the subject property and posting the notice on the property frontage.

If the type and size of the administrative approval is not exempt under the State Environmental Policy Act (SEPA), the environmental review process will also be required for any decision issued by the planning staff. SEPA notice for Type II permits requires public notification of the application and SEPA determination by publication in the newspaper, mailing of notice to property owners within 500 feet of the subject property, and posting the notice on the property frontage.

In a Type II project permit, a person can appeal the decision by the planning staff to the Hearing Examiner.

### **Special Use Permits (SUP)**

LCC 17.10.190 defines a special use as a "...a use permitted only after "public" review and approved by the hearing examiner, and to which "special" conditions may be attached by the hearing examiner to address mitigation requirements by reason of the specific location of a proposed use."

A special use is generally appropriate for a zoning district but may possess unique and special characteristics with respect to the location, design, size, method of operation, circulation, and/or demand on public facilities that require discretionary review to ensure their compatibility with the surrounding area. Special uses are a flexible tool that allow the county to approve a use as proposed, place mitigating requirements to ensure its compatibility with area properties or deny the use altogether if it cannot.

Special use permits are a Type III permit under Table 17.05-1 in the code; Chapter 17.158 states a very general purpose for special use permits and then other codes sections in Title 17 will also apply.

If the type and size of the special use is not exempt under the State Environmental Policy Act (SEPA), the SEPA process will also be required prior to scheduling any public hearings with the Hearing Examiner. SEPA notice for Type III permits requires public notification of the application and SEPA determination by publication in the newspaper, mailing of notice to property owners within 500 feet of the subject property and posting the notice on the property frontage.

The county's Hearing Examiner issues decisions on Type III applications after conducting an open record public hearing. Public notice requirements for the open record public hearing include a notice in the newspaper, posting a notice on the property frontage, and mailing notice to property owners within 500 feet of the subject property.

When reviewing a special use permit (Type III application), the Hearing Examiner will evaluate the local situation, the potential on- and off-site impacts of the use, any county code or policy

that pertains to the use, and public comment. An appeal of a decision by the Hearing Examiner goes to superior court.