

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

IN THE MATTER OF:

RESOLUTION NO. 20-026

NOTICE OF PUBLIC HEARING TO CONSIDER
ORDINANCE 1315, AN ORDINANCE TO AMEND
CHAPTER 17.10 OF THE LEWIS COUNTY CODE

WHEREAS, the Lewis County Planning Commission found that the extraction of ground and surface water for bottled water and/or facilities for producing bottled water in the Rural Development and LAMIRD zoning districts is inconsistent with protecting the rural character of the county; and

WHEREAS, the Lewis County Planning Commission recommends to the Board of County Commissioners changes to Chapter 17.10 of the Lewis County Code, amending the definition for "food and beverage manufacturing" to exclude from this definition the extraction of ground and surface water for bottled water and/or facilities for producing bottled water, a use allowed in the Rural Development and LAMIRD zoning districts; and

WHEREAS, the Planning Commission also recommends adding a new definition for "bottled water" to Chapter 17.10 of the Lewis County Code.

NOW THEREFORE BE IT RESOLVED that a hearing before the Board of County Commissioners is hereby scheduled for February 24, 2020, to take public testimony and/or written comment on the adoption of Ordinance 1315, amending Chapter 17.10 of the Lewis County Code; and

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

DONE IN OPEN SESSION this 27th day of January, 2020.

**NOTICE OF PUBLIC HEARING BEFORE THE LEWIS COUNTY
BOARD OF COUNTY COMMISSIONERS and INTENT TO ADOPT**

NOTICE IS HEREBY GIVEN that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a **public hearing** on February 24, 2020, starting at or after 10:00 a.m. The public hearing will consider Ordinance 1315, which amends Lewis County Code Chapter 17.10, Definitions, that includes amending the definition for "standalone food and beverage manufacturing" and the adoption of a new definition for "bottled water."

The public hearings will occur at the Lewis County Courthouse, Commissioners' Hearing Room, at 351 NW North Street, Chehalis, WA. At the hearings, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearings to:

Lee Napier at 360.740.2606 or lee.napier@lewiscountywa.gov.

Details about the proposals are available at <http://lewiscountywa.gov/departments/community-development>. Hard copies are available at the Lewis County Community Development Department at 2025 NE Kresky Ave., Chehalis WA; at the Timberland Regional libraries located in Chehalis, Centralia, Salkum, Randle, Packwood, and Winlock; and at the Lewis County Senior Centers in Morton, Packwood, Toledo, Twin Cities (Chehalis), and Winlock.

The meeting site is barrier free. People needing special assistance or accommodations should contact the Commissioner's Office 72 hours in advance of the meeting at 360.740.1120.

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

DRAFT

**AN ORDINANCE OF THE COUNTY OF LEWIS
AMENDING CHAPTER 17.10 OF THE LEWIS
COUNTY CODE**

ORDINANCE NO. 1315

WHEREAS, Lewis County is required to plan under the Growth Management Act in accordance to RCW 36.70A.040; and

WHEREAS, RCW 36.70A.070(5) requires counties to enact measures to protect rural character on lands not designated for urban growth; and

WHEREAS, the Lewis County Comprehensive Plan establishes goals and policies for protecting rural character; and

WHEREAS, Section 17.150.030 of the Lewis County Code stipulates the Special Characteristics of Rural Development; and

WHEREAS, the Lewis County Planning Commission held workshops on October 22, 2019 and November 12, 2019 to consider the impacts to rural character by the extraction of ground and surface water for bottled water and/or facilities for producing bottled and whether it constituted "food and beverage manufacturing;" and

WHEREAS, the Lewis County Department of Community Development provided notice of a public hearing before the Lewis County Planning Commission on December 10, 2019 regarding proposed changes to the Lewis County Code relating to the extraction of ground and surface water for bottled water and/or facilities for producing bottled water; and

WHEREAS, after taking public testimony at the public hearing, the Lewis County Planning Commission issued the following findings that

1. The extraction of ground and surface water for bottled water and/or facilities for producing bottled water was inconsistent with the intent of "standalone food and beverage manufacturing" under Section 17.10.190 Lewis County Code;
2. That the extraction of ground and surface water for bottled water and/or facilities for producing bottled water was inconsistent with the purpose of the Rural Development and the LAMIRD zoning districts; and

3. That the extraction of ground and surface water for bottled water and/or facilities for producing bottled water constituted a major industrial development under RCW 36.70A.365 that requires siting such developments through a comprehensive plan amendment

WHEREAS, the Lewis County Planning Commission on December 10, 2019 adopted a Letter of Transmittal to the Board of County Commissioners (BOCC) relating these findings and recommending changes to Chapter 17.10 of the Lewis County Code to amend the definition for "standalone food and beverage manufacturing" to exclude the extraction of ground and surface water for bottled water and/or facilities for producing bottled water from said definition and to add a new definition for "bottled water"; and

WHEREAS, the Lewis County Department of Community Development issued a SEPA Determination of Nonsignificance on January 7, 2020 for amending Sections 17.10.190 and 17.10.020 of the Lewis County Code and received no comment on the threshold determination; and

WHEREAS, the Lewis County Department of Community Development submitted a Notice of Adoption on December 16, 2019 to the Washington State Department of Commerce for the said amendments and received no comment from the review; and

WHEREAS, on January 27, 2020, the BOCC passed Res. 20-XXXX to hold a public hearing on proposed Ordinance 1315, and directed the Clerk of the Board to provide notice of the hearing.

NOW THEREFORE BE IT RESOLVED that the BOCC do hereby adopt the following amendments to the Lewis County Code.

SECTION 1. Amend the definition for "standalone food and beverage manufacturing" under LCC 17.10.190, "S" Definitions, by adding the underlined section shown below:

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. Standalone food or beverage manufacturing does not include the extraction of ground or surface water for bottled water and/or facilities for producing bottled water.

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SECTION 2. Add a new definition under LCC 17.10.020, "B" Definitions, for "bottled water" that reads:

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 for producing 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.

SECTION 3. If a court of competent jurisdiction finds any part of this ordinance to be invalid, the remainder of the ordinance shall remain valid and continue in full force and effect.

PASSED IN REGULAR SESSION THIS _____ DAY OF _____, 2020.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

Gary Stamper, Chair

ATTEST:

Edna J Fund, Vice Chair

Rieva Lester, Clerk of the Board

Robert C. Jackson, Commissioner

LEWIS COUNTY PLANNING COMMISSION

Robert Whannell, Chairman

LETTER OF TRANSMITTAL

To: Lewis County Board of County Commissioners
From: Lewis County Planning Commission
Date: December 10, 2019
Subject: Transmittal to the BOCC: Amendment to Lewis County Code, Chapter 17.10, Definitions, regarding the extraction of ground and surface water for bottled water and/or facilities for producing bottled water

Dear Commissioners:

The purpose of this report is to transmit to the Board of County Commissioners a draft amendment to the Lewis County Code Chapter 17.10, Definitions, which would:

1. Exclude the extraction of ground and surface water for bottled water and/or facilities for producing bottled water from the definition of "standalone food and beverage manufacturing" (see LCC 17.10.190, "S" Definitions); and
2. Add a definition for "bottled water" under LCC 17.10.020, "B" Definitions, which would prohibit it as a use in any Rural Area Zoning District and designated Resource Lands.

Findings of Fact

The Lewis County Planning Commission held a public hearing on December 10, 2019 to consider amendments to the Lewis County Code specific to Chapter 17.10, Definitions. After considering provisions within Chapter 36.70A, the Growth Management Act, the Lewis County Comprehensive Plan, chapters within the Lewis County Code, and public testimony, the Planning Commission found that:

1. The scale and intensity of the extraction of ground and surface water for bottled water and/or facilities for producing bottled water constitutes a major industrial development under RCW 36.70A.365 that did not meet the original intent of the definition for "standalone food and beverage manufacturing;"
2. The scale and intensity of the extraction of ground and surface water for bottled water and/or facilities for producing bottled water was inconsistent with protecting rural county as provided under Chapter 17.150, Special Conditions – Rural Area Development, of the Lewis County Code; and,

3. The extraction of ground and surface water for bottled water and/or facilities for producing bottled water were inconsistent with the stated purposes for the Rural Area Industrial, Small Town Mixed Use, the Small Town Industrial Districts, and designated Resource Lands.

Recommendation

Based on these findings of fact, the Planning Commission forwards the following recommendation to the Board of County Commissioners:

1. Amend the definition for "standalone food and beverage manufacturing" under LCC 17.10.190, "S" Definitions, by adding the underlined section shown below:

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. Standalone food or beverage manufacturing does not include the extraction of ground or surface water for bottled water and/or facilities for producing bottled water.

2. Add a new definition under LCC 17.10.020, "B" Definitions, for "bottled water" that reads:

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 for producing 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.

Submitted by Robert Whannell Date 12-16-19
Robert Whannell, Chair
Lewis County Planning Commission