**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF LEWIS COUNTY, WASHINGTON**

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| **AN ORDINANCE OF THE COUNTY OF LEWIS AMENDING CHAPTER 17.10 OF THE LEWIS COUNTY CODE and Action to LIFT A MORATORIUM UPON CERTAIN PERMITS WITHIN THE RURAL AND RESOURCE LANDS OF LEWIS COUNTY, FOLLOWING ADOPTION OF LEWIS COUNTY CODE SATISFYING THE MORATORIUM’S INTENT** | **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)** | **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. 20-026 to hold a public hearing on proposed Ordinance 1315, and directed the Clerk of the Board to provide notice of the hearing; and

**WHEREAS**, the BOCC adopted Ordinance 1306 in August 2019 and Ordinance 1314 in February 2020 imposing and extending a moratorium on most land-use or building permit applications concerning the extraction of water for sale as a principal goal and/or facilities for standalone food or beverage manufacturing; and

**WHEREAS**, the moratoria were imposed as a result of citizen concerns about large-scale water bottling facilities taking advantage of loose language in the county zoning code, which the citizens believed outstripped the code’s intent and was inconsistent with the Growth Management Act; and

**WHEREAS**, the purpose of these moratoria was to preserve the status quo and allow for responsible study of the issue via a public process; and

**WHEREAS**, the BOCC has agreed with and passed the Planning Commission’s recommended revisions in Ordinance 1315, satisfying the intent of the moratoria; and

**WHEREAS**, Ordinance 1306 has expired, and Ordinance 1314 explicitly permits that it may be lifted upon the circumstances herein.

**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.

**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.

**NOW THEREFORE BE IT further RESOLVED** that the moratorium in Ordinance 1314 is lifted. Ordinances 1306 and 1314 therefore have no further force and effect, except as historical evidence of the BOCC’s action.

**PASSED IN REGULAR SESSION THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_, 2020.**

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| APPROVED AS TO FORM:  Jonathan Meyer, Prosecuting Attorney |  | BOARD OF COUNTY COMMISSIONERS  LEWIS COUNTY, WASHINGTON |
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| By: Deputy Prosecuting Attorney |  | Gary Stamper, Chair |
| ATTEST: |  | Edna J Fund, Vice Chair |
|  |  |  |
| Rieva Lester, Clerk of the Board |  | Robert C. Jackson, Commissioner |