

Greater Maple Valley Unincorporated Area Council  
P.O. Box 101  
Maple Valley, WA 98038

April 22, 2016

To: Ty Peterson: [ty.peterson@kingcounty.gov](mailto:ty.peterson@kingcounty.gov)  
KC DPER Project Manager  
Department of Permitting and Environmental Review  
35030 SE Douglas St, Suite 210  
Snoqualmie, WA 98065-9266

Re: CDUP16-0002, Application for Conditional-Use Permit--Applicant William Cloud

Mr. Peterson,

Please accept the comments regarding CDUP16-0002 herein as the official comments from the Greater Maple Valley Unincorporated Area Council (GMVUAC).

In the recent past we have gone on the record several times regarding similar applications for Marijuana growing operations and processing facilities that directly affect Rural Area citizens. Please be advised our Public Safety concerns, set forth in our comments herein, are intended to address those unique security issues related to proposed projects such as a Marijuana production or processing facility or similar high-profile ones having elevated security and safety concerns. This is especially a problem in times of continuous budget cuts to the Sheriff's Office that acutely impact the Rural Area.

Should you have any questions regarding the attached comments, please contact the Chair of our Growth Management Committee, Peter Rimbo, at 425-432-1332 or [primbos@comcast.net](mailto:primbos@comcast.net). Thank you.

Sincerely,

Steve Hiester ([gmvac\\_chair@hotmail.com](mailto:gmvac_chair@hotmail.com))  
Chairman, Greater Maple Valley Unincorporated Area Council

cc: King County Councilman Reagan Dunn: [reagan.dunn@kingcounty.gov](mailto:reagan.dunn@kingcounty.gov)  
Sheriff John Urquhart: [John.Urquhart@kingcounty.gov](mailto:John.Urquhart@kingcounty.gov)  
Community Service Area (CSA) Manager Alan Painter:  
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**KING COUNTY DEPARTMENT REVIEWS**

### *Sheriff*

The Sheriff's Office must review all Marijuana-related business applications in the Rural Area, as it is already overburdened to meet the needs of a rural population spread over vast distances with a very low budget which has been continually reduced year after year. Such continual budget cuts do have consequences. In this case, such dire budget scenarios in the Sheriff's Office resulting in a diminishing ability to provide for Public Safety could and should cause denial of the permit in question.

Marijuana operations deal with high-value product and are an all-cash business. This combination is an extremely lucrative target for thieves and gangs. The Sheriff is on record stating he has "one patrol car" on duty in the Rural Area. Given this very volatile mix of circumstances, how are neighbors in the vicinity of the proposed business to be protected?

It is the paramount duty of the Sheriff's Office to provide for Public Safety, which it strives to meet in spite of budget cuts. As such the Sheriff must be part of any review of Marijuana-related business applications, most especially in the Rural Area.

### *Public Health*

We expect there will be standard Septic and Water evaluations to ensure proper separation and no underlying contamination. Since the subject property has an On-Site Septic System, we see some problems detailed below.

Industrial wastewater may not be discharged to any septic system according to state regulations. Per "*Regulatory Guidance for Cannabis Operations, Version 2.0*," August 2015:

*"Wastewater that results from any growing, manufacturing, cleaning, or rinsing processes is considered an industrial waste (industrial wastewater) and is subject to local, state and federal regulations. This includes water used in extraction, hydroponic irrigation and the manufacture of edible products."*

Per King County Industrial Waste Pretreatment Program and Stormwater Services:

*"No business may discharge industrial wastewater into an onsite septic system. Septic systems, also known as Individual On-site Sewage Systems, are designed to treat only domestic wastewater, which means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. Industrial wastewater may not be discharged to any septic system according to state regulations. Industrial wastewater discharges to septic system can damage them and cause harm to the environment."*

Finally, King County Code **13.04.058 Introduction of non-sewage compounds and industrial wastewater prohibited** states the following:

*"Persons shall not introduce into an OSS:*

- A. Strong bases, strong acids or organic solvents for the purpose of system cleaning.*
- B. Any sewage system additive not specifically approved by the Washington State Department of Health.*
- C. Waste components atypical of residential sewage.*
- D. Industrial wastewater.*

*E. Hazardous materials. (R&R No. 99-01 § 2 (part), 3-19-99)."*

In addition, we are particularly concerned with the odors associated with Marijuana outdoor growing and greenhouse processing. Public Health should assess odor intensity, frequency, and duration, as well as odor impacts on the neighboring parcels. Separately, the Puget Sound Clean Air Agency will require odors from producing and processing plants be controlled and not cause a nuisance to neighboring properties.

*DNRP*

We expect the Water & Land Resources Division to assess the depth, age, condition, and structural integrity of the three-piece culvert (conveying a fish-bearing creek) running under 269th Ave SE, a private gravel road, which provides access to the subject parcel. There have been repairs made to the culvert in the recent past due to a variety of issues including section separation and sinking.

We are concerned with the continued integrity of the culvert. Since it is traversed by a gravel road, vehicle axle loads are not expected to be distributed as evenly as would be on a well-constructed paved road with a structural base and, thus, repeated truck loads could be expected to more directly impact the underlying layers and the culvert itself.

*Transportation*

While there appear to be no traffic-related issues, we expect KCDOT to assist, where necessary, DNRP in addressing the road/culvert concerns voiced above under DNRP.

## **KING COUNTY CODE REQUIREMENTS**

*KCC 21A.44.040 Conditional use permit:*

*"A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property"*

**Not met: This business is not "compatible" with a residential neighborhood.**

*"D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title"*

**Unknown: It is not known yet what, if any, modifications to standards will be made to accommodate this business.**

*"E. The conditional use is not in conflict with the health and safety of the community"*

**Not met: There is direct conflict with the health and safety of the community due to the high-value Marijuana product to be grown and processed on-site, an all-cash business, and the near total lack of Police presence in the area.**

*"G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities"*

**Not met:** There is little to no police service in this remote area. Given the ever-decreasing budget the Sheriff's Office is saddled with year after year, it can be clearly stated that Public Safety is being compromised. The proposed Marijuana grow and processing operation belongs where there is a continuous, suitable police presence.

*"H. The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title"*

**See King County Comprehensive Plan policy assessment further below.**

KCC 21A.12.220 *Nonresidential land uses in residential zones:*

*"Sites must be assessable from at least one public street functioning at a level consistent with King County Road Design Standards."*

**Unknown:** 269th Ave SE is a private gravel road not serviced by King County. It connects to SE 200th St, whose traffic is purely rural with farm vehicles, etc. Whether it functions at a *"level consistent with King County Road Design Standards"* is not known.

## KING COUNTY COMPREHENSIVE PLAN POLICIES

**R-204:** *Farming and forestry are vital to the preservation of rural King County and should be encouraged throughout the Rural Area. King County should encourage the retention of existing and establishment of new rural resource-based uses, with appropriate site management that protects habitat resources. King County's regulation of farming, keeping of livestock, and forestry in the Rural Area should be consistent with these guiding principles:*

...

- d. *County environmental standards for forestry and agriculture should protect environmental quality, especially in relation to water and fisheries resources, while encouraging forestry and farming.*

**Unknown:** The potential impact of continuous vehicle traffic on the gravel road traversing the culvert, which carries a fish-bearing stream, is not known.

**R-205:** *Uses related to and appropriate for the Rural Area include those relating to agriculture, forestry, mineral extraction, and fisheries, such as the raising of livestock, growing of crops, creating value-added products, and sale of agricultural products; small-scale cottage industries; and recreational and small-scale tourism uses that rely on a rural location.*

**Not met:** The proposed use does not *"rely on a rural location."*

**R-324:** *Nonresidential uses in the Rural Area shall be limited to those that:*

- a. *Provide convenient local products and services for nearby residents;*
- b. *Require location in a Rural Area;*
- c. *Support natural resource-based industries;*
- d. *Provide adaptive reuse of significant historic resources; or*

- e. *Provide recreational opportunities that are compatible with the surrounding Rural Area.*

**Not met: Of the 5 purposes above only a. could be considered possibly applicable. However, a Marijuana grow operation, such as contemplated, is prohibited by the Washington State Liquor Cannabis Board from distributing its products.**