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Planning Commission Meeting:

First Wednesday of every Month @ 7:00pm

Planning & Community Development Department

1812 Main Street
Lake Stevens, WA
98258 (425) 622-9430

www.lakestevenswa.gov

[Municipal Code](#)

Available online:

www.codepublishing.com/WA/LakeStevens/

PLANNING COMMISSION AGENDA

Regular Meeting Date: 01/06/2021

BY REMOTE PARTICIPATION ONLY

Join Meeting here: <https://us02web.zoom.us/j/82806509536>

Call in: 253 215 8782
Meeting ID: 828 2650 9536

- **CALL TO ORDER 6:00pm**
Pledge of Allegiance

- **ROLL CALL**

- **GUEST BUSINESS**

- **ACTION ITEMS**

1. Approve minutes for 12-09-2020

DISCUSSION ITEMS

1. Permissible Use Table
2. Proposed amendment to Marijuana Code

Assistant Planner Needham
Sr Planner Levitan

- **COMMISSIONER REPORTS**

- **PLANNING DIRECTOR'S REPORT**

- **ADJOURN**

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 622-9419 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service.

PLANNING COMMISSION REGULAR MEETING MINUTES

Remote Participation

Wednesday, December 9, 2020

CALL TO ORDER: 7:00 pm by Chair Jennifer Davis

MEMBERS PRESENT: Jennifer Davis Janice Huxford (arrived at 7:17pm), Vicki Oslund, John Cronin, Todd Welch and Mike Duerr

MEMBERS ABSENT: Linda Hoult

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Place and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmembers Gary Petershagen and Steve Ewing

Chair Davis called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Roll Call: All present except an excused absence for Commissioner Hoult.

Guest business: None

Approval of Minutes: Motion by Commissioner Welch, to approve the minutes for 11-18-2020 meeting seconded by Commissioner Duerr (6-0-0-1).

Discussion items:

Senior Planner Place gave a second briefing on proposed amendments to City of Lake Stevens SEPA regulations. These amendments would increase exemption thresholds for minor new construction projects from SEPA review and infill development. The Commissioners were supportive of the changes and appreciated the charts.

Community Development Director Wright showed the DRAFT 2021 Long Range Work Program. He shared what were the City's Administration's goals for the year. Director Wright revisited the 2020 Long Range Work Program to highlight accomplishments made through the work of Planning Commission and City Council.

Commissioner Reports:

Commissioner Cronin thanked the staff for providing the opportunity to continue meetings virtually. Commissioner Oslund thanked the staff for making virtual meetings work. Commissioner Huxford reminded the Commission to that elections will be held at the next meeting. Commissioner Duerr inquired about the joint meeting and confirmed time.

Director's Report: Community Development Wright reported the joint meeting with the City Council will be December 15 @ 6:00 pm. The City Council has permanently changed their meeting to 6:00 pm, Director Wright asked if the Commission was interested in switching their time. After discussion it was decided that Planning Commission will be at 6:00 on a temporary basis and to revisit it in three months to see how it is working for all.

MOTION: Moved by Commissioner Welch, seconded by Commissioner Welch to adjourn the meeting at 7:36 p.m. The motion carried (6-0-0-1).

Jennie Fenrich, Planning Commission Clerk

Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **January 6, 2021**

Subject: **Update on Revising the Permissible Use Chapter (LSMC 14.40)**

Contact Person/Department: Jill Needham, *Assistant Planner*

David Levitan, *Senior Planner*

SUMMARY:

Staff has developed a draft of the non-residential uses table as part of its update to the Permissible Uses Chapter (LSMC 14.40) and is seeking feedback from commissioners. Staff will continue work on the three use tables – non-residential uses, residential uses, and special uses – in the coming weeks and provide additional updates to commissioners at future meetings.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action, other than general feedback, is requested at this time.

BACKGROUND / DISCUSSION:

On October 21, staff held a work session with commissioners to introduce the proposed work plan for updating the Permissible Uses Chapter (14.40) of the Lake Stevens Municipal Code (LSMC) and review permissible use code tables from cities of similar size and land use patterns throughout the region. This was followed by a November 18 work session during which staff introduced its plan to utilize North American Industrial Classification System (NAICS) codes to simplify and organize use categories in Chapter 14.40, and to better align them with the city's business license program. Staff also noted its intent to break permissible uses – which are currently found in one large table - into three tables: residential, non-residential, and special uses.

Non-Residential Use Table

Non-residential uses comprise a wide variety of uses, including office, retail, personal services, restaurant, manufacturing, and industrial. With new development and redevelopment occurring over the last decade in areas such as Lake Stevens Center and Downtown Lake Stevens, as well as increased development potential along the 20th St SE Corridor, staff has long identified the need for an updated non-residential use table.

Attachment 1 includes a first draft of a revised Non-Residential Use Table. Some of the most prominent features/updates include:

- NAICS codes are included in the left column and uses have generally been grouped together by NAICS industry or industry group.

- Residential zoning districts have been removed from the columns, given the focus on non-residential uses.
- Staff continues to deliberate on the most appropriate level of approval for each use within individual zoning districts. As a reminder, P = Outright Permitted, A = Permitted with an ACUP, and C = Permitted with a CUP, while combinations such as "PA" and "PC" mean that the level of review varies depending on the size of the parcel. Staff will be further exploring potential revisions to these thresholds as it continues with the project, and how more detailed performance standards might reduce the need for a CUP or ACUP for many of these uses.
- Staff is continuing to work on consolidating multiple uses into more general categories and instead rely more on performance standards to evaluate and regulate specific uses. For example, Personal and General Services currently includes both "Gas station" and "Gas station with convenience store" uses, but the two can likely be consolidated with performance standards regulating how large the convenience store can be. Subsequent drafts of the table will be more condensed, and staff would appreciate commission feedback on the appropriate level of detail.
- Many of these uses are currently permitted within the city's Public/Semi-Public (P/SP) zone. Staff is examining whether many of these uses (other than "special uses" such as schools, parks, and city/district facilities) should continue to be outright permitted in this zone, or whether they should be allowed as accessory uses to the primary use, such as the food and paddle board concessions at Lundein Park or a coffee shop or floor of private sector offices at a new Civic Center.
- Although the Commercial District (CD) and the Central Business District (CBD) exist predominately within the Subareas (which are regulated by LSMC 14.38), there are a few parcels in these zones that outside of it. Staff has added CD and CBD to the table account for these properties.

Next Steps

At the Commission's January and February meetings, staff intends to provide a revised version of the non-residential use table as well as drafts of the residential and special use tables and will solicit additional feedback from commissioners. Staff will also prepare updated code sections regarding:

- How the non-residential and special use tables interact with the principal and secondary uses outlined in the Subarea code (LSMC 14.38), and how to better connect the two chapters, including for commercial areas outside of subarea boundaries;
- How the residential use table interacts with the Innovative Housing and Infill Chapter (LSMC 14.46), as property owners are often unaware that triplexes and fourplexes are permitted in the majority of the city's residential zoning districts; and
- The appropriate level of director discretion for evaluating similar uses.

Once more developed drafts of the tables are available, staff intends to make them available on the city's website and will reach out to the development and business communities as well as Lake Stevens residents to solicit public feedback.

Attachments

Attachment 1: Draft Non-Residential Use Table

NAICS Code	Use	LB	MU	PBD	CBD	CD	LI	GI	P/SP
RETAIL									
N/A	Retail, small/medium scale (<10,000 sf floor area)	P	P	P	P	P	PC	PC	PA
N/A	Retail, large scale (>10,000 sf floor area)		P	P		P	PC	PC	PA
N/A	Outdoor retail displays accessory to a retail use	PA		P	PA	P	PC	PC	PA
N/A	Marijuana retail ¹						P	P	
N/A	Farmer's markets	PA	PA	P	P	P	P	PC	PA
444220	Outdoor plant nurseries, farm supply stores	PA		P			PC	PC	PA
423	Wholesale						PC	PC	PA
4411, 4412, 453930	Vehicle sales, new and used	P ¹				P	P	P	
PERSONAL & GENERAL SERVICES									
531130	Personal storage facilities	A ²					P	P	P
447110, 447190	Gas station	PA		P	P	P	P	P	
541940	Veterinary clinic	PA	PA	P	P	P			
6211, 6212, 6213	Medical, dental, or other health clinic	PA	PA	P	P	P			PA
812910	Pet care, except veterinary	PA	PA	P	P	P			PA
6244	Daycare	PA	PA	P	P	P			
8111	Automotive repair, except car washes								
811192	Carwashes								
8121	Barber shops, beauty salons	P	P	P	P	P			
812220	Crematorium							P	C
812210	Funeral homes					P	P	P	
8123	Dry-cleaning, Laundry services	P	P	P	P	P			
8113	Heavy equipment rental								
76	Miscellaneous repair								
53211	Automobile rental								
53212, 5322-3	Miscellaneous equipment rental								

¹ Only permitted in LB zone designated as a State Route or State Highway² Subject to Section 14.44.044 (Storage Facilities)

81293	Automobile parking	PA	PA	P	P	P	P	P	P
OFFICE & PROFESSIONAL SERVICES									
561920	Conference center								
N/A	Offices, business or professional, (<2,000 sf floor area)	P	P	P	P	P			P
N/A	Offices, business or professional, medium scale (>2,000 sf floor area)		P	P	P	P			P
5211	Banks with drive-up windows	PA		P					
5211	Banks without drive-up windows								
MANUFACTURING & INDUSTRIAL									
N/A	Light manufacturing								
N/A	Heavy manufacturing								
31212, 31213, 31214	Wineries, distilleries, and breweries								
493	Warehousing								
423930	Salvage yards, junkyards, automobile graveyards								
N/A	Marijuana processing						A	A	
LEISURE, ACCOMODATION & FOOD SERVICES									
N/A	Mobile Food Vending Units (Food Trucks or Similar Vehicles, Vending Carts)	P	P	P	P	P	P	P	P
N/A	Mobile Sales and Delivery (Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section <u>14.44.080</u>) ²	P	P	P	P	P	P	P	P
722320	Catering								
7224, 7225	Restaurants, bars, winebars	PA	PA	P	P	P	P	P	PA
N/A	Arcades, bowling centers, indoor amusement facility	PA	PA	P	P		PC	PC	PA
721110	Hotels, Motels	PA	PC	P	P	P			
713940	Indoor or outdoor fitness facility								
N/A	Indoor golf facilities								
N/A	Outdoor golf facilities	PA	PA	P			PA	PA	PA

512131	Movie theatres	PA	PA	P					PA
N/A	Outdoor amphitheatres								
711212	Automobile or motorcycle racetracks							A	
711211, 711310	Indoor stadium								
711110, 711130	Plays, theatrical productions								
712110	Museums, art galleries								
712130	Zoos, botanical gardens, arboreums								
N/A	Public places of adult entertainment						C	A	

ⁱ See LSMC 14.44.097 for Performance Standards

Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **January 6, 2021**

Subject: **Introduction to Proposed Amendments to Marijuana Facility Buffers (LSMC 14.44.097)**

Contact Person/Department: David Levitan, *Senior Planner*

SUMMARY:

Staff will introduce an applicant-initiated land use code amendment to the city's Marijuana Facilities regulations (LSMC 14.44.097), which would reduce the required buffer (distance) between marijuana processing facilities and child care centers from 1,000 feet to 225 feet if certain provisions are met.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BACKGROUND/DISCUSSION

In November 2012, Washington voters approved Initiative 502, which decriminalized (under state law) the production, manufacturing, processing, packaging, delivery, distribution, sale or possession of marijuana for recreational use. State regulations for marijuana facilities were subsequently created under [Chapter 314-55](#) of the Washington Administrative Code (WAC) and [Chapter 69.50](#) of the Revised Code of Washington (RCW). In February 2014, the City Council adopted [Ordinance 908](#), which established city regulations for marijuana facilities as codified in [LSMC 14.44.097](#), and which amended other related sections of the code, such as the city's permissible use table. The regulations were further amended in May 2016 via [Ordinance 958](#). Marijuana facilities are only permitted in the city's Light Industrial (LI) and General Industrial (GI) zoning districts, and require an administrative conditional use permitting for production and processing.

[RCW 69.50.331](#)(8) requires licensed marijuana producers, processors and retailers to be located at least 1,000 feet away from, measured as the shortest straight line distance from the property line of the proposed marijuana facility to the property line of the second property, the following uses:

- Elementary or secondary school;
- Playground;
- Recreation center or facility;
- Child care center;
- Public park;
- Public transit center;
- Library; and
- Game arcade (where admission is not restricted to persons age 21 or older).

The city has adopted the standard 1,000-foot buffer for the above uses, as codified in LSMC 14.44.097(e). However, [RCW 69.50.331](#)(8)(b) does give local governments the option to reduce the required buffer to a minimum of 100 feet for the above uses, with the exception of elementary and secondary schools and public playgrounds, by enacting an ordinance authorizing the distance reduction. Land use code amendments are a Type VI land use application, which require a public hearing before both the Planning Commission and City Council, with the Planning Commission making a recommendation to City Council.

Proposed Land Use Code Amendment

On December 11, 2020, the city received an application to amend LSMC 14.44.097 to reduce the required buffer between marijuana processing facilities and child care centers from 1,000 feet to 225 feet, if certain conditions are met. The proposed amendments to qualify for the reduced 225-foot distance are shown as track changes in Attachment 1, and would require:

- 1) that the distance between the main entrance of the child care center and the processing facility, as measured by the most direct route over and across public streets or sidewalks, be at least 1,000 feet; and
- 2) that the processing facility does not include a retail component.

As detailed in the narrative from the applicant's representative (Attachment 2), this amendment would allow for the siting of marijuana processing facilities on properties that are physically close to the uses covered by the 1,000 foot buffer in LSMC 14.44.097(e) "as the crow flies," but which are separated by a much greater distance as it relates to reasonable access to the property. Attachment 2 includes examples of local jurisdictions in Washington that have reduced the buffer below the standard 1,000 feet, and also addresses the approval criteria for land use code amendments as detailed in [LSMC 14.16C.075\(f\)](#). The narrative also notes that the amendment would not apply to marijuana retail facilities; that it would not alter the approval process for marijuana facilities or zones in which they are allowed; and that there are a number of existing health and safety regulations in LSMC 14.44.097 regulate processing facilities.

Next Steps

As previously mentioned, land use code amendments require a public hearing before both the Planning Commission and City Council. They also require notice to the Washington State Department of Commerce through either the standard (60-day) or expedited review process, as well as a determination under the State Environmental Policy Act (SEPA). Staff touched upon the proposed amendment during the December 15 joint meeting of the City Council and Planning Commission and plans to brief the City Council in a bit more detail at their January 12 meeting. Based on feedback and direction from the Planning Commission and City Council, the proposed amendments could come back to Planning Commission for the required public hearing at either of their February 2021 meetings, before a recommendation is forwarded to City Council.

At the January 6 meeting, staff would appreciate input from commissioners on the following topics:

- Does the proposed 225-foot buffer (under certain situations) seem appropriate?
- Should the proposed buffer reduction (or some other reduction below the standard 1,000-foot buffer) apply to uses other than just child care centers, besides schools and playgrounds?
- Should a buffer reduction apply to just processing facilities?

14.44.097 Marijuana Facilities.

Marijuana facilities shall meet the following development standards:

- (a) All facilities must be State-licensed and comply with all requirements of State law and the Washington State Liquor and Cannabis Board's regulations for State-licensed marijuana facilities.
- (b) No marijuana facility shall be allowed as a home occupation.
- (c) No marijuana cooperative is allowed.
- (d) In the event of any inconsistency between this section and the definitions in State law, the definitions set forth in RCW 69.50.101 to 69.50.102, WAC 314-55-010 and Section 14.08.010 shall control.
- (e) Location.
 - (1) Marijuana retailers and marijuana processing facilities shall be located within a permanent structure designed to comply with the City building code and constructed under a building/tenant improvement permit from the City regardless of the size or configuration of the structure.
 - (2) A marijuana production facility shall be located within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors designed to comply with the City building code and constructed under a building/tenant improvement permit from the City regardless of the size or configuration of the structure.
 - (3) Marijuana facilities shall not be located in mobile or temporary structures.
 - (4) No State-licensed marijuana facility shall be located within 1,000 feet of the perimeter of a parcel which has at least one of the land uses listed below:
 - (i) Elementary or secondary school (public or private);
 - (ii) Playground;
 - (iii) Recreation center or facility;
 - ~~(iv) Child care center;~~
 - (v) Public park;
 - (vi) Public transit center;
 - (vii) Library;
 - (viii) Any game arcade which allows admissions to persons less than 21 years of age.

(5) Unless otherwise provided herein, no State-licensed marijuana facility shall be located within 1,000 feet of the perimeter of a parcel which has the following use:

(i) Child care center

(6) A marijuana processing facility may be located within 1,000 feet of the perimeter of a parcel which has a Child care center subject to the following conditions:

- (i) The marijuana processing facility is located at least 225 feet from the perimeter of the parcel having a Child care center; and
- (ii) The marijuana processing facility is not located within 1,000 feet from the main entrance to Child care center as measured by the most direct route over and across established public sidewalks or public streets; and
- (iii) The marijuana processing facility has no retail operation.

(f) Size and Number.

- (1) State-licensed marijuana producers will be limited in size to Tier 2 production facilities, pursuant to WAC 314-55-075.
- (2) The maximum amount of space allotted for State-licensed marijuana production will be limited to 70,000 square feet Citywide.
- (3) A marijuana retailer will be limited in size to 1,000 total square feet or less including sales, storage, office and other incidental spaces.
- (4) The total number of marijuana retailers shall be one.

(g) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.

(h) All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, State and Federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.

(i) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located. Applicants must demonstrate that adequate odor control exists on site prior to certificate of occupancy.

(j) A City of Lake Stevens business license pursuant to Chapter 4.04 and a State license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of facility operations.

(k) All marijuana facilities shall comply with Chapter 19.27 RCW, State Building Code Act and Chapter 14.80, Building and Construction. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.

(l) A State-licensed marijuana retail facility may have one sign, limited to 1,600 square inches (11.11 square feet), identifying the retail outlet by the licensee's business name or trade name, affixed or hanging in the windows or on the outside of the premises visible to the general public from the public right-of-way, subject to issuance of a sign permit pursuant to Chapter 14.68.

December 3, 2020

City of Lake Stevens
1812 Main Street
Lake Stevens, WA 98258

LAND USE CODE AMENDMENT TO LSMC 14.44.097 MARIJUANA FACILITIES

To Whom It May Concern:

In accordance with LSMC 14.16C.075 we respectfully apply to amend LSMC 14.44.097 Marijuana Facilities.

SUMMARY OF THE PROPOSAL

Application seeks to amend LSMC 14.44.097 to reduce from 1,000 feet to 225 feet the minimum distance between a State licensed marijuana processing facility and the perimeter of a Child care center provided that the walking distance (as measured by public sidewalk or pathway between the facility and the center) is no less than 1,000 feet and the marijuana processing facility is not closer than 1,000 to a school or playground. The proposed change is allowed by RCW 69.50.331(8)(b), which enables cities, towns and counties to allow State licensed marijuana premises as close as 100 feet to certain uses, including Child care centers.

The proposal **would not**

- allow a retail marijuana facility closer than 1,000 feet to a Child care center
- increase the number of retailers allowed in the City
- increase the City's cap on the total square feet of marijuana related uses
- allow marijuana related uses in any new zones
- alter the procedure (an administrative conditional use permit) for obtaining approval

Examples of other cities that have reduced the buffer required for marijuana related uses include:

George, WA

⇒ Chapter 19.63.070 of the municipal code allows retailers, producers and processors to locate as close as 100 feet from public parks, recreation or community centers, libraries, child care centers, game arcades, and public transit centers.

Electric City, WA

⇒ Chapter 18.57.080 of the municipal code allows retailers, producers and processors to locate as close as 100 feet from public parks, recreation or community centers, libraries, child care centers, game arcades, and public transit centers.

Seattle, WA

⇒ Chapter 23.42.058 of the municipal code allows major marijuana activities that do not include the retail sale of marijuana products to located no closer than 250 feet from a child care center; game arcade; library; public park; public transit center; or recreation center or facility.

ANALYSIS OF DECISION CRITERIA

1. The amendment is consistent with the adopted Lake Stevens Comprehensive Plan as follows:

The Comprehensive Plan does not directly address marijuana related uses; however, in general the following goals and policies

from the Comprehensive Plan support of opportunities to locate new jobs and investment in the City.

- Policy 2.1.1 Accommodate a variety of land uses to support population and employment growth, consistent with the city's responsibilities under the Growth Management Act, Regional Growth Strategy, and Countywide Planning Policies
- Policy 2.1.4 Direct growth to area where infrastructure and services are available or planned to ensure growth occurs in a fiscally responsible manner to support a variety of land uses.
- Goal 6.8 Support businesses and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities and high quality of life.
- Policy 6.8.1 Promote economic activity and employment growth that created widely shared prosperity and sustains a diversity of family-wage jobs for the city's residents.
- Policy 6.8.2 Support business startups, small businesses and locally owned businesses to help them continue to prosper.

2. The amendment is consistent with the Growth Management Act (GMA) as follows:

Although the GMA does not directly address the location of marijuana related uses, in general the following goals of the GMA are principally served through the adoption of this amendment:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

3. The amendment serves to advance the public health, safety, and welfare as follows:

The proposed amendment is consistent with RCW 69.50.331(8)(b) and is very distinct because it only applies to processing facilities to be located closer to a Child care center than under the existing code. The amendment would require that a processing facility be not less than 1,000 feet walking distance (by way of public walkway) from a Child care center and it would not apply to retail marijuana locations. In conjunction with the requirements of LSCM 14.44.097 that require processing to be fully indoors and fully secure, the proposed amendment would not negatively impact the public health, safety or welfare.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



David Toyer
President