



PLANNING COMMISSION AGENDA

Regular Meeting Date: 05/19/2021

BY REMOTE PARTICIPATION ONLY

JOIN HERE <https://us02web.zoom.us/j/84985979822>

Meeting ID: 849 8597 9822 +1 253 215 8782 US (Tacoma)

- **CALL TO ORDER 6:00pm**
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
 1. Approve minutes for 05/05/2021
- **PUBLIC HEARING (Continued from May 5, 2021)**- Proposed Amendments to LSMC 14.44.097, Marijuana Facilities(LUA2020-0189)
Planning Manager Levitan
-

Public hearing presentation will follow the public hearing format listed below:

CONTINUED PUBLIC HEARING FORMAT

1. **Staff Presentation**
2. **Commission's questions for staff**
3. **Public comments**
4. **Close public comments portion of hearing by motion**
5. **Close Hearing by motion**
6. **COMMISSION ACTION BY MOTION—Recommendation to Council**
 - A. **Approve**
 - B. **Deny**
 - C. **Continue**

DISCUSSION ITEM

1. **Update on 2021 Work Program** **Community Development Director Wright**

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
Meeting:

First Wednesday of every
Month @ 6:00pm

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/

*Items attached

**Items previously
distributed

Items to be
distributed

PLANNING COMMISSION REGULAR MEETING MINUTES

Remote Participation

Wednesday, May 5, 2021

CALL TO ORDER: 6:00 pm by Chair John Cronin

MEMBERS PRESENT: Janice Huxford, Vicki Oslund, Jennifer Davis, Linda Hoult, Todd Welch and Mike Duerr

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Planning Manager Dave Levitan, Associate Planner Sabrina Gassaway and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmembers Gary Petershagen and Steve Ewing

Chair Cronin called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call: All present

Guest business: None

Approval of Minutes: Motion by Commissioner Huxford, seconded by Commissioner Hoult, to approve the minutes for April 21, 2021 meeting. (7-0-0-0).

Public Hearing-Amendments to LSMC 14.44.097(Marijuana Facilities)

The Planning Commission held a public hearing for a citizen-initiated land use code amendment (LUA2020-0189) to LSMC 14.44.097, Marijuana Facilities. Staff provided a brief presentation of the proposal and noted that the scope of the amendment had changed since the last Commission work session on the proposal, based on additional information provided by the applicant and the Washington State Liquor and Cannabis Board (WSLCB). Staff reviewed its recommended amendments (Attachment 2), which were focused on clarifying the difference between child care centers and family day care providers, as well as optional amendments (Attachment 3) which would implement new buffer requirements between marijuana facilities and family day care providers and establish a citywide limit on marijuana processing facilities.

Chair Cronin opened the public comment period of the hearing and heard testimony from the public. After closing the public comment period, commissioners deliberated on the proposed amendment, and asked for clarification on the two sets of amendments included in the packet. Following deliberation, the Commission voted to continue the public hearing to May 19, 2021 and reopen the public comment portion of the hearing. Commissioners directed staff to revise the code amendment prior to the May 19 continued public hearing to include a new 1,000-foot buffer between marijuana facilities and family day care providers and a citywide limit on standalone marijuana processing

facilities.

Discussion Items:

Associate Planner Gassaway presented an update on a code amendment to add a new LSMC section (14.16C.078) related to determinations of lot status. The proposed amendment was discussed by at the April 21 meeting but commissioners asked that it be brought back to this meeting to allow feedback from Chair Cronin, who has had experience with lot status determinations in several local jurisdictions. At the conclusion of the discussion, the Commission directed staff to move forward to a public hearing on the proposed amendment, which was subsequently scheduled for June 16, 2021. .

Commissioner Reports: Chair Cronin thanked City Staff for the City's work on the Lot Status Determination. Commissioner Welch is thankful we stayed in Phase 3 of reopening the State.

Director's Report: Director Wright had no report but offered to answer any questions from the Commission.

MOTION TO ADJOURN: Moved by Commissioner Cronin, seconded by Commissioner Welch to adjourn the meeting at 7:38 p.m. The motion carried (7-0-0-0).

Jennie Fenrich, Planning Commission Clerk



One Community Around the Lake

Staff Report Lake Stevens Planning Commission Planning Commission Continued Public Hearing

Date: **May 19, 2021**

Subject: Continued Public Hearing for Prosed Amendments to LSMC 14.44.097, Marijuana Facilities (LUA2020-0189)

Contact Person/Department: David Levitan, Planning Manager

ACTION REQUESTED OF PLANNING COMMISSION:

Staff has prepared a revised set of amendments to LSMC 14.44.097 (Marijuana Facilities) based on commissioner comments at the May 5, 2021 public hearing for LUA2020-0189. Planning Commission is asked to continue the public hearing, allow for public comment, deliberate on the amendments shown in Attachment 1, and forward a recommendation to City Council.

BACKGROUND

At their [May 5, 2021 meeting](#), the Planning Commission held a public hearing on a citizen-initiated land use code amendment to Lake Stevens Municipal Code (LSMC) Section [14.44.097](#), Marijuana Facilities. Staff noted that the scope of the amendment had changed since the Commission had last reviewed the proposal during an [April 7 work session](#). This change was initiated by a request from the applicant and was based on a recent determination that “family day care providers” as defined by [RCW 43.216.010](#)(c) are not considered “child care centers”, and thus do not require the standard 1,000-foot buffer for state-licensed marijuana facilities established in [RCW 69.50.331](#)(b)(8).

In response to the applicant’s request to modify the code amendment, staff prepared a set of two code amendments for the Commission to consider. The first set (Attachment 2 of the May 5 packet) focused on differentiating between child care centers (subject to the 1,000-foot buffer) and family day care providers (not subject to the 1,000-foot buffer). The second set of optional code amendments (Attachment 3 of the May 5 packet) included 1) the establishment of a new 1,000-foot buffer for family day care providers, with a permitted reduction to 200 feet for marijuana processing facilities in certain situations, and 2) a citywide limit of 30,000-sf on standalone marijuana processing facilities, with a sunset date of December 31, 2023.

Commissioners discussed the two sets of amendments and took public comment at the May 5 public hearing. At the conclusion of the public hearing, commissioners opted to continue the public hearing to May 19, and to reopen the public comment period. Commissioners provided direction to staff on changes they would like incorporated into the code amendment, which are summarized below.

REVISED CODE AMENDMENT PROPOSAL

Staff has revised the proposed amendments to reflect Commission direction provided on May 5. These changes include:

- 1) Adding family day care providers to LSMC 14.44.097(e)(4) as a protected use requiring a 1,000-foot buffer from marijuana facilities, with no reduction for processing facilities; and
- 2) Establishing a Citywide limit of 17,000 sf on marijuana processing facilities in LSMC 14.44.097(f)(5), with no sunset date. The 17,000-sf limit would account for existing permitted processing facilities in the city, without creating any non-conforming situations.

The May 5 staff report including findings that the original proposal was consistent with the approval criteria in LSMC 14.16C.075(f) and met all procedural and noticing requirements for Type VI land use code amendments. Staff has determined that the revisions shown in Attachment 1 would continue to meet all requirements and approval criteria.

RECOMMENDATION: Staff recommends that Planning Commission take public comment, deliberate on the proposed amendments shown in Attachment 1, and forward a recommendation to City Council to APPROVE the proposed amendments to LSMC 14.44.097 and 14.08.010 (LUA2020-0189).

ATTACHMENTS

Attachment 1 – Proposed Amendments to LSMC 14.44.097 and 14.08.010

Attachment 1 – Proposed Amendments to LSMC 14.44.097 and 14.08.010

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](#), [RCW 43.216.010](#) 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, [as defined in RCW 43.216.010\(a\)](#);
 - (v) [Family day care provider, as defined in RCW 43.216.010\(c\)](#);

- (vi) Public park;
- (vii) Public transit center;
- (viii) Library;
- (~~viii~~~~x~~) Any game arcade which allows admissions to persons less than 21 years of age.

(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.

(5) The maximum amount of space allotted for State-licensed standalone marijuana processing will be limited to 17,000 square feet Citywide.

(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](#). (Ord. 958, Sec. 4, 2016; Ord. 908, Sec. 8, 2014)

(m) State-licensed marijuana producers and processors shall be subject to the licensing fee established in LSMC 4.80.030.

14.08.010 - Definitions

Child Care Center (for purposes of administering 14.44.097, Marijuana Facilities): an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours. See RCW 43.216.010(a).

Family Day Care Provider (for purposes of administering 14.44.097, Marijuana Facilities): a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters. See RCW 43.216.010(c).

~~Child Care Center (definition related to recreational marijuana facilities regulations only). An entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours licensed by the Washington State Department of Early Learning under Chapter 170-295 WAC. Child care centers include "Commercial Day Care Center" and "In Home Day Care" entities.~~

Day Care Center, Commercial. Any child care arrangement that provides day care on a regular basis for more than 12 children of whom at least one is unrelated to the provider. ~~See Child Care Center.~~

Day Care, In-Home. Any child care arrangement that provides day care on a regular basis for less than 12 children of whom at least one is unrelated to the provider. ~~See Child Care Center.~~



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **May 19, 2021**

SUBJECTS: 2021 Long Range Work Program

CONTACT PERSON/DEPARTMENT: Russ Wright, *Community Development Director*

SUMMARY: 2021 Long Range Work Program Update

ACTION REQUESTED OF PLANNING COMMISSION: No action requested at this time.

The 2021 Long Range Work Program included a variety of long-range projects. The work program is well underway and mostly on target. A few items will be moved out but are still anticipated to begin in 2021. A list of items and its status follow.

- **Permissible Use Table** – this project is to modernize and simplify the city's permissible use table (underway)
- **SEPA Categorical Exemptions** – review the city's flexible SEPA thresholds as part of its Commerce grant (done)
- **Impact Fee Review** – the city needs to review its impact fee code for new development and adopt standards for annexed areas (to start 3rd quarter)
- **Lots Status** – develop formal regulations for determining lot status for legal buildable lots based on case law and Attorney General Opinion, rather than relying on an outdated code interpretation (hearing June 16, 2021)
- **Code clean up** – this project would be a comprehensive overview of the zoning code to identify inconsistencies and clarify any ambiguous sections (to start 4th quarter)
- **Nonconforming Code** – this project would review and modernize the city's non-conforming code (to start June 2021)
- **Tourist Homes** – update city regulations for tourist homes (to start 3rd quarter)
- **Tiny Houses** – this project would set zoning regulations for tiny homes within the city (to start 4th quarter)
- **Process Code** – this project would review the city's administrative process code to streamline the city's process and eliminate ambiguous and redundant sections (to start 4th quarter)

Staff has also processed a citizen-initiated code amendment related to marijuana buffers set for public hearing on May 19, 2021. The Machias Annexation was completed, and the southeast interlocal annexation will become effective mid-July.

Comprehensive Plan amendments would include standard housekeeping amendments; a limited update to the Shoreline Master Program to implement recommendations of the Waterfront Task Force and changes to downtown zoning; and a limited subarea plan / neighborhood plan for the Hartford and Machias Industrial area focusing on identifying infrastructure needs to facilitate increased job production and marketability and develop marketing materials for the subareas. Staff will continue working with Snohomish County on Buildable Lands updates, UGA expansions and Growth Targets.

ATTACHED: Annotated 2021 Work Program



2021 Long Range Work Program

Lake Stevens 2021 Long Range Work Program						
Amendments	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes	Planner
Zoning Code						
1. Impact Fee Update			PC	CC	Carryover – start 3rd Quarter	Dave
2. Permissible Use Table	PC	PC	CC		Completion 3rd Quarter	Dave / Jill
3. SEPA Categorical Exemption	PC	PC			Council approved May 11, 2021	
4. Lot Status	PC	CC			Streamline Code Public Hearing June 16, 2021	Sabrina
5. Tourist Home Update (Air BNB)			PC	CC	Several in code enforcement Move to mid-3rd Quarter	Jill
6. Non-conforming Code		PC	CC		Streamline Code Introduction June 2021	Melissa
7. Code Clean Up			PC	CC	Carryover	Everyone
8. MJ Buffers	PC / CC				Citizen-initiated Public Hearing May 19, 2021	Dave
9. Review Process Code 14.16A and 14.16B	TBD				Streamline Code Underway – Target 4th Quarter start	TBD
10. Tiny Houses	TBD				Housing Options	TBD
11. Place holder	TBD					
Comprehensive Plan / Economic Development						
1. Annual Docket (if needed)	PC / CC	PC	PC / CC		Annual Update / Council Directed Underway	Dave
a. Land Use Element						
b. Capital Facilities						

2. Shoreline Master Program	PC / CC	PC / CC	PC / CC		Amend sections related to multifamily housing and zone changes per recommendations of Task Force, PC and CC in 2020 Underway	Dave
3. Hartford / Machias Industrial Subarea Plan	PC / CC		PC	PC / CC	Economic Development Move to start mid-3d Quarter depending on funding.	Russ
4. RUTA Analysis	Ongoing				Growth Management	Russ
5. Economic Development Marketing Materials	Ongoing – Proposals under review				Economic Development	Russ
Annexations						
1. Southeast Interlocal Annexation		PC	CC		Approved May 13, 2021 / Effective July 2021	Dave / Russ
2. Northeastern Interlocal /Annexation Island			PC	CC	Implement Annexation Plan Move to 4th Quarter	TBD
3. Petition Placeholder						TBD

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December