



PLANNING COMMISSION AGENDA

Public Hearing Date: January 15, 2014

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Community Center
1808 Main Street
Lake Stevens, WA 98258
www.lakestevenswa.gov

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235
www.lakestevenswa.gov

Municipal Code

Available online:
www.codepublishing.com/WA/LakeStevens/

A. CALL TO ORDER: 7:00pm
Pledge of Allegiance

B. ROLL CALL

C. GUEST BUSINESS

D. ACTION ITEMS

- 1. Approval of December 4, 2013 Meeting Minutes**
- 2. Election of 2014 Planning Commission Officers**

E. PUBLIC HEARING

- 1. Proposed Code Amendments to implement I-502, allowing the production, processing and retail sales of marijuana and marijuana products in the City of Lake Stevens (Senior Planner Russ Wright)**

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

PUBLIC HEARING FORMAT

- 1. PC Chair Opens Public Hearing**
- 2. Staff Presentation**
- 3. Commission's questions for staff**
- 4. Proponent's comments**
- 5. Comments from the audience**
- 6. Proponent rebuttal comments**
- 7. Close public comments portion of hearing by motion**
- 8. Re-open public comment portion of hearing for additional comments (optional)**
- 9. Close Hearing by motion**
- 10. COMMISSION ACTION BY MOTION—Recommendation to Council**
 - A. Approve**
 - B. Deny**
 - C. Continue**

F. DISCUSSION ITEMS

- 1. Introduction to 2015 Comprehensive Plan (Ms. Ableman and Mr. Wright)**
- 2. 2014 Work Program (Ms. Ableman)**

G. COMMISSIONER REPORTS

H. PLANNING DIRECTOR'S REPORT

I. ADJOURN

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 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, at (800) 833-6388, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, December 4, 2013

CALL TO ORDER: 7: 00 pm by Chair Huxford

MEMBERS PRESENT: Chair Janice Huxford, Vice-Chair Gary Petershagen, Pam Barnet, Tom Matlack, Jennifer Davis and Sammie Thurber

MEMBERS ABSENT: Linda Hoult

STAFF PRESENT: Planning Director Rebecca Ableman, Senior Planner Russ Wright and Planning/Public Works Coordinator Georgine Rosson

OTHERS PRESENT: Chair Huxford welcomed the following members of the public:

Mirza Advic, Bill Barnet, Tom Garcia, and Donvian DeMar

Excused Absence: Commissioner Barnet motioned to excuse Commissioner Hoult, Vice-Chair Petershagen second, motion passed 6-0-0-1.

Guest Business: None

Action Items:

Approval of Minutes from November 6, 2013: Vice-Chair Petershagen motioned to approve minutes, Commissioner Barnet second, motion passed 6-0-0-1.

Discussion Items:

Staff Presentation: I-502 Marijuana Regulations (LUA2013-0096) Briefing - Senior Planner Russ Wright

Senior Planner Wright described how other jurisdictions are interpreting I-502, including protected areas, and how the 1,000-foot buffer is being applied. The City has three main areas that may be eligible for production, processing or sales of marijuana.

1. The first area is the northeastern corner of the city in the main industrial area, which would allow manufacturing, processing, and retail.
2. The second area is near the intersection of SR-9 and 20th Street SE, in the 20th St SE Corridor subarea. This area includes Commercial District, Neighborhood Business and Business District zonings.
3. The third area is in the Lake Stevens Center near Safeway. This area has a mix of zoning designations, including Commercial District, Mixed-Use Neighborhood and Public/Semi-Public.

Staff discussed a variety of zoning options and specific regulatory elements that is considering including business licensing, appropriate zones, indoor operations, application of current municipal requirements, etc. Planner Wright presented four implementation options.

1. Adopting permanent regulations
2. Adopt interim regulations to analyze impacts.
3. Limit the size of facilities.
4. Limiting zones

Staff also described how when the city developed the subarea plans, marijuana production and sales were not a use the city envisioned – these land uses may not fit the vision for some zones within the subarea. Staff discussed not allowing marijuana uses in the Neighborhood Business and Business District zones. Finally, staff indicated that it would be participating in a roundtable discussion with neighboring jurisdictions related to different implementation approaches.

Commissioners asked questions related to size of facilities/production statewide, ability to limit local facility sizes, direct prohibitions, the status of the Centennial Trail, approaches of other cities, operations outside city limits that may affect the city, number of people interested in operating a marijuana facility and potential locations, mitigation to surrounding areas, potential crime and security, and tax revenue. Chair Huxford allowed a few comments from the audience, but reminded them that this meeting is not an open public forum. She encouraged audience members to attend the public hearing.

Staff requested the Commission recommend an option(s) for discussion with City Council. Commissioners asked if prohibition or extending the moratorium were options. Director Ableman responded these could be options. Council would have to assess a permanent ban. To extend the moratorium, the city would need to demonstrate a specific justification. Chair Huxford was reluctant to recommend interim regulations; she felt the city needs a firm approach to marijuana regulations. Ms. Ableman responded that interim regulations allow the city a “test period” to see if new regulations will work, or if changes are necessary. Chair Huxford asked for a motion to recommend consideration by City Council of the four options presented by staff along with options discussed tonight by commissioners. Commissioner Davis made the motion and Commissioner Thurber seconded. Motion passed 6-0-0-1.

Planning Director Ableman stated that the Commissioners would receive a packet the week before the public hearing. Commissioner Matlack asked if there would be “minutes” available from the inter-jurisdictional meeting. Planner Wright indicated a summary would be available.

Commissioner Reports:

Commissioner Matlack mentioned the Dickens Fair this weekend.

Planning Director’s Report:

Boat Launch Maintenance: Planning Director Ableman talked with Mick Monken, Public Works Director, he stated the boat launch is on the list of maintenance needs, and it may be a candidate for a grant. Part of the issue is the way the launch was constructed; it is a constant maintenance issue.

Update on 2013 Comprehensive Plan Docket. The final public hearing on the 2013 docket is Monday night. Next year’s docket is expected to be completed earlier in the year in order to spend more time on the 2015 Comprehensive Plan update. The 2015 update may include some videos, review of the City’s vision statement, and possibly workshops held prior to regular meetings.

Adjourn. Commissioner Barnet motioned to adjourn at 8:00 p.m., Commissioner Thurber second, motion passed. 6-0-0-1.

Janice Huxford, Chair

Georgine Rosson, Planning/Public
Works Coordinator



Staff Report City of Lake Stevens Planning Commission

Planning Commission Public Hearing
Date: **January 15, 2014**

Subject: **I-502 Marijuana Regulations (LUA2013-0096)**

Contact Person/Department: **Russ Wright**, Senior Planner

SUMMARY:

Public Hearing covering proposed code amendments to implement I-502, allowing the production, processing and retail sales of marijuana and marijuana products in the city of Lake Stevens.

ACTION REQUESTED OF PLANNING COMMISSION:

Public Hearing and Recommendation to City Council

BACKGROUND/DISCUSSION:

Washington state voters approved Initiative Measure No. 502 (I-502) November 6, 2012 to legalize the production, processing, sale and use of marijuana and marijuana products, purchased from state licensed stores. Voters in Snohomish County approved I-502 by 54.59% and voters in Lake Stevens approved I-502 by 53.06%.

The Lake Stevens City Council approved Ordinance 900, enacting a six-month moratorium on August 21, 2013, prohibiting the establishment, permitting, licensing and operating, cultivation, production, and retail sales of marijuana and marijuana derivatives within the city of Lake Stevens because the city did not have adequate regulations in place to govern marijuana facilities, land use permitting and licensing.

Subsequent to the adoption of Ordinance 900, Deputy Attorney General James M. Cole issued a memorandum on August 29, 2013, outlining the federal government's guidance and enforcement priorities for states allowing marijuana facilities:

- Preventing distribution to minors;
- Preventing revenue from marijuana going to criminal enterprises;
- Preventing the diversion of marijuana from states where it is legal in some form to other states;
- Preventing state-authorized marijuana activity from being used a front for distributing other illegal drugs;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving;
- Preventing the growing of marijuana on public lands; and
- Preventing marijuana possession or use on federal property.

The guidance memo does not change federal law; but it implies marijuana businesses that abide by state regulations and conform to the federal enforcement priorities may not be subject to federal prosecution. Following the Attorney General guidance, the Liquor Control Board established

administrative rules related to the production, processing, and retail sales of marijuana and marijuana products as Chapter 314-55 of the Washington Administrative Code (WAC). The rules include regulations for age verification; criminal background checks; financial investigation of start-up funds; residency requirements; an operating plan; fees; and restrictions on sites located within 1,000 feet of schools, playgrounds, recreation facility, child care center, public park, public transit center, library, or arcade.

Staff has briefed City Council, City Administration, and the Planning Commission on implementation options that included:

1. Permanent regulations for the licensing, production, processing and sale of marijuana and marijuana products, pursuant to Chapter 314-55 WAC;
2. Permanent regulations for the licensing, production, processing and sale of marijuana and marijuana products, pursuant to Chapter 314-55 WAC, with local amendments;
3. Interim regulations to analyze impacts; and
4. Prohibiting the licensing, production, processing and sale of marijuana and marijuana products.

Planning and Police staff met with neighboring jurisdictions (e.g., Marysville, Arlington and Granite Falls) to discuss each city's individual approach to implementing I-502. There was not a consensus among the cities for a single regional approach. All cities were considering draft regulations and implementation alternatives for their city leadership.

- Marysville is currently under a moratorium and has formed a special committee to develop implementation alternatives for marijuana facilities, which include permanent regulations for production, processing and retail in designated zones, interim regulations and prohibition.
- Arlington is also currently under a moratorium. They will be developing permanent regulations for locating marijuana facilities for production, processing and retail in designated zones.
- Granite Falls is currently not allowing cultivation as its code does not permit production of agricultural crops in city limits. They will likely consider zoning based regulations for processing and retail sales.

Staff has also reviewed the regulations from other jurisdictions, notably Snohomish County and the cities of Mukilteo and Everett.

Staff has proposed regulations (**Exhibit 1**) that are consistent with intent of I-502 to create a regulated market for marijuana; implement the rules of Chapter 314-55 WAC; follow federal guidance; and establish local zoning controls for the production, processing, and retail sales of marijuana and marijuana products. The proposed regulations incorporate input from the City Council, City Administration, Planning Commission and the public along with approaches pursued by other jurisdictions. Additionally, staff mapped protected entities and applied a 1,000-foot buffer to identify potential zones for marijuana uses (**Exhibit 2**). Key elements of the proposed municipal code amendments include business license provisions, adoption of WAC definitions and rules, identification of allowed land uses by zone and local zoning controls (e.g., size restrictions for retail, production and processing and separation between marijuana facilities and protected entities).

FINDINGS AND CONCLUSIONS:

1. Compliance with selected Land Use Goals of the Comprehensive Plan

- Land Use Goal 4.1 – Ensure that land uses optimize economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety and welfare.

- Land Use Goal 4.3 – Economic development: attain the highest level of economic well-being possible for all citizens in Lake Stevens through the achievement of a stable and diversified economy offering a wide variety of employment opportunities
- Land Use Goal 4.4 – Neighborhood Conservation: Achieve a well balanced and well organized combination of open space, commercial, industrial, recreation and public uses served by a convenient and efficient transportation network while protecting the fabric and character of residential neighborhoods.
- Land Use Goal 4.8 – Coordinate growth and development with adjacent jurisdictions to promote and protect interjurisdictional interests.

Conclusions – The proposed code amendments are consistent with several Land Use goals.

2. *Compliance with the State Environmental Policy Act (SEPA)(Chapter 97-11 WAC and Title 16 LSMC)*

- Staff prepared an environmental checklist for the proposed code revisions, dated December 30, 2013 (**Exhibit 3**).
- The SEPA official issued a Determination of Nonsignificance on January 02, 2014 (**Exhibit 4**).
- The city has not received any appeals related to the SEPA determination.

Conclusions – The proposed code amendments have met local and state SEPA requirements.

3. *Compliance with the Growth Management Act (RCW 36.70A.106)*

- The city requested expedited review from the Department of Commerce on January 04, 2014 (**Exhibit 5**).
- The Department of Commerce sent a letter of acknowledgment on January 2, 2014 (**Exhibit 6**).
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments have met Growth Management Act requirements.

4. *Public Notice and Comments (Exhibit 7)*

- The city published a notice of SEPA determination in the Everett Herald on January 02, 2014.
- The city published a notice of Public Hearing in the Everett Herald on January 02, 2014 and Lake Stevens Journal on January 07, 2014.
- The city notified interested parties of the SEPA DNS and public hearing on January 02, 2014.

Conclusions – The City has met public notice requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed I-502 Marijuana Regulations (LUA2013-0096).

EXHIBITS:

1. Draft Code Amendments
2. Overlay Maps
3. Environmental Checklist
4. SEPA Determination
5. Department of Commerce Expedited Review
6. Letter of Acknowledgement
7. Affidavit of Publication

Section 1. LSMC 4.04.040(c) – Amended. LSMC 4.04.040(c) is hereby added to read as follows:

4.04.040 Exemptions.

- (c) Marijuana producers, processors and retail facilities are subject to licensing, fees and building permit requirements.

Section 2. LSMC 4.04.070(c) – Amended. LSMC 4.04.040(c) is hereby amended to read as follows:

4.04.070 Procedure for Issuance of License.

- (c) An application for a business license shall be denied if:
- (1) It contains a material omission of fact, misrepresentation or fraud;
 - (2) The applicant has been convicted of a felony and if the time elapsed since the felony is less than 10 years and the felony for which the applicant was convicted directly relates to the specific business for which the license is sought. Applicants who have a current state license to operate a marijuana facility and who have applied for a business license to operate a marijuana business are subject to Washington State Liquor Control Board Rules regarding felony convictions;
 - (3) The premises on or in which the business will be operated violates a building, zoning, fire or any other applicable law of the City;
 - (4) The applicant has not received or has been denied a land use permit to operate the proposed business at the address proposed;
 - (5) The business for which the license is sought will result in a danger to the public health, safety or welfare, or the violation of any Federal (except for current state-licensed recreational marijuana producers, processors or retailers), State or local law, ordinance or regulations; or
 - (6) The applicant has had a similar license revoked by the City within a period of one year prior to the date of making application for a license hereunder; provided, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist.

Section 3. LSMC 4.04.150(a) – Amended. LSMC 4.04.150(a) is hereby amended to read as follows:

4.04.150 Suspension or Revocation of License - Grounds.

- (a) Depending upon the severity of any public health and safety problem presented by a violation of this chapter and based upon the recommendation of the appropriate department head, the City Clerk may suspend, deny or revoke any business license when the licensee, licensee's officers, employees or agents does any of the following:
- (1) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this State, or the City which may affect or relate to the licensee's business;
 - (2) Has obtained a license or permit by fraud, misrepresentation, concealment or through inadvertence or mistake;
 - (3) Has been convicted of a felony and if the time elapsed since the felony is less than 10 years and the felony for which the licensee was convicted directly relates to the specific business for which the license was sought, except for business licenses issued to operators of a marijuana facility who have a current state license to operate a marijuana facility, which are subject to the Washington State Liquor Board rules for ;
 - (4) Violates Lake Stevens Municipal Code Title 14, Land Use Code;
 - (5) Engages in unfair or deceptive acts or practices in the conduct of the business, operated the business in such a manner as to constitute breach of the peace, or menace to the health, safety or general welfare of the public; or
 - (6) Fails to renew a business license within 90 days after the expiration date of the license.

Section 4. LSMC 14.08.010 – Amended. LSMC 14.08.010 is hereby amended to revise existing definitions and add new definitions as follows:

14.08.010 Definitions of Basic Terms.

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" definition.

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” definition.

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 twenty-four 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.

Elementary school (Definition related to recreational marijuana facilities regulations only). A school for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.

Game Arcade (Definition related to recreational marijuana facilities regulations only). An entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

Library (Definition related to recreational marijuana facilities regulations only). An organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

Marijuana Facility (Definition related to recreational marijuana facilities regulations only). A state-licensed marijuana production, processing, or retail facility or a medical cannabis collective garden. Marijuana facilities shall not be a home occupation.

Marijuana Processing Facility (Definition related to recreational marijuana facilities regulations only). An entity licensed by the State of Washington Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. A marijuana processing facility shall not be a home occupation.

Marijuana Production Facility (Definition related to recreational marijuana facilities regulations only). An entity licensed by the State of Washington Liquor Control Board to produce marijuana at wholesale to marijuana processor licensees and to other marijuana producers. A marijuana production facility shall not be a home occupation.

Marijuana Retail Facility (Definition related to recreational marijuana facilities regulations only). An entity licensed by the State of Washington Liquor Control Board to sell only usable marijuana, marijuana-infused products and marijuana paraphernalia to persons twenty-one years of age and older in a retail outlet. A marijuana retail facility shall not be a home occupation.

Playground (Definition related to recreational marijuana facilities regulations only). A public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

Public Park (Definition related to recreational marijuana facilities regulations only). An area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

Public Transit Center (Definition related to recreational marijuana facilities regulations only). A facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

Recreation Center or Facility (Definition related to recreational marijuana facilities regulations only). A supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

Secondary School (Definition related to recreational marijuana facilities regulations only). A high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

Section 5. LSMC 14.16C.070(e) – Amended. LSMC 14.16C.070(e) is hereby amended to read as follows:

14.16C.070 Home Occupations.

- (e) Prohibited home occupations are enterprises which may create objectionable noise, fumes, odor, dust or electrical interference and may involve hazardous materials or on-site storage of petroleum products, and which are not compatible with residential development. The following is a nonexhaustive list of examples of such prohibited enterprises:
- (1) Automobile, truck and heavy equipment repair;
 - (2) Autobody work or painting;
 - (3) Parking and storage of heavy equipment;
 - (4) Storage of building materials for use on other properties; ~~((or))~~
 - (5) Marijuana production, processing or retail facility; or
 - (6) Similar types of enterprises.

Section 6. LSMC 14.38.02 – Amended. LSMC 14.38.02 is hereby amended to read as follows:

14.38.020 Zoning Districts.

- (a) Business District (BD). The purpose of this district is to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical clinics, technology, and light manufacturing and assembly. Secondary uses include warehousing, storage and distribution associated with a principal use and small-scale retail and services that support the principal uses and objectives of the district. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.
- (1) Principal Uses.
 - (i) Educational services (colleges and/or technical schools);
 - (ii) Finance and insurance;
 - (iii) Health care services;
 - (iv) Light manufacturing and assembly;
 - (v) Management of companies and enterprises;
 - (vi) Professional, scientific, and technical services; and
 - (vii) Transit-oriented development (including transit facilities/stops).
 - (2) Secondary Uses.
 - (i) Food services;
 - (ii) Information services;
 - (iii) Personal services;
 - (iv) Retail trade;
 - (v) Wholesale trade; and
 - (vi) Warehousing, storage and distribution.
 - (3) Special Regulations.
 - (i) Secondary service uses and retail trade shall not exceed 5,000 gross square feet;
 - (ii) Wholesale trade accessory to the principal use shall not exceed 15 percent of the gross floor area of individual structures;
 - (iii) Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures;
 - (iv) Places of worship over 10,000 gross square feet require a conditional use permit per Section 14.16C.045; ~~and~~
 - (v) Wireless and cellular communications facilities require an administrative conditional use permit per Section 14.16C.015; ~~and~~
 - (vi) Marijuana facilities are not allowed.

- (b) Commercial District (CD). The purpose of this district is to accommodate the high-intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.
- (1) Principal Uses.
 - (i) Accommodation services;
 - (ii) Arts and entertainment;
 - (iii) Food services;
 - (iv) Retail trade; and
 - (v) Transit-oriented development (including transit facilities/stops).
 - (2) Secondary Uses.
 - (i) Amusement and recreation industries;
 - (ii) Commercial parking structures/lots;
 - (iii) Educational services (colleges and/or technical schools);
 - (iv) Finance and insurance;
 - (v) Health care services;
 - (vi) Information services;
 - (vii) Personal services;
 - (viii) Professional, scientific, and technical services; and
 - (ix) Public administration.
 - (3) Residential Uses.
 - (i) Mixed use multi-family residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.
 - (4) Special Regulations.
 - (i) Health care, professional, scientific, and technical services require a conditional use permit per Section [14.16C.045](#) when the structure's footprint exceeds 10,000 gross square feet;
 - (ii) Places of worship over 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
 - (iii) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#); and;
 - (iv) Outdoor retail sales of building materials, garden equipment and supplies, and vehicles are permitted; and
 - (v) Marijuana retail facilities are permitted, subject to LSMC 14.44.097.
- (c) Main Street District (MS). The purpose of this district is to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small (up to 10,000 gross square feet) to mid-sized (approximately 30,000 gross square feet) businesses along with high-density residential uses in proximity to other retail and residential areas. Building design and pedestrian-oriented features would support an active and pleasant streetscape. This district should include enhanced sidewalks, public spaces and amenities for pedestrians and cyclists that emphasize pedestrian movement over vehicular movement.
- (1) Principal Uses.
 - (i) Arts and entertainment;
 - (ii) Food services;
 - (iii) Small to mid-size retail trade; and
 - (iv) Transit facilities/stops.
 - (2) Secondary Uses.

- (i) Amusement and recreation industries;
 - (ii) Commercial parking structures/lots;
 - (iii) Finance and insurance;
 - (iv) Health care services;
 - (v) Personal services;
 - (vi) Professional, scientific, and technical services; and
 - (vii) Public administration.
- (3) Residential Uses.
- (i) Mixed use multi-family residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.
- (4) Special Regulations.
- (i) Automotive, boat, and recreational vehicle sales and services are not allowed.
 - (ii) Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.
 - (iii) Theaters and performing arts venues are limited to a maximum size of 500 seats.
 - (iv) The footprint of small to mid-size retail trade uses, in any single-use structure, may not exceed 30,000 gross square feet.
 - (v) Health care, professional, scientific, or technical service structures' footprints may not exceed 5,000 gross square feet.
 - (vi) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
 - (vii) Marijuana facilities are not allowed.
- (d) Mixed Use Neighborhood (MUN). The purpose of this district is to accommodate higher density residential development in proximity to employment and retail centers and provide basic convenience goods and services in areas with available public services and adequate traffic capacities. This district would have a minimum density of 15 dwelling units per acre. This district would create a transition between higher and lower intensity land uses.
- (1) Principal Uses.
- (i) Multi-family apartments and condominiums;
 - (ii) Townhomes and row houses; and
 - (iii) Residential over retail/office including live/work units.
- (2) Secondary Uses.
- (i) Neighborhood-oriented retail trade and personal services that meet the convenience shopping and services needs of the immediate and surrounding area.
- (3) Special Regulations.
- (i) Mixed use building configurations may include a vertical or horizontal stratification.
 - a. Retail and service uses located in attached mixed use buildings are limited to the ground level;
 - b. Sites with retail and service uses located in detached buildings are limited to a maximum floor area of 10,000 gross square feet;
 - c. Detached buildings with a footprint greater than 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
 - d. Commercial uses should be oriented toward the primary frontage, with residential uses behind.
 - (ii) In the 20th Street SE Corridor, the district will allow innovative housing options per Chapter [14.46](#).
 - (iii) Automotive, boat, and recreational vehicle sales and services are not allowed.

- (iv) Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.
 - (v) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
 - (vi) Marijuana facilities are not allowed.
- (e) Neighborhood Business (NB). The purpose of this district is to provide convenience goods, services, and opportunities for smaller scale shopping centers near neighborhoods that cater to pedestrians and commuters. This district should be located in areas with available public services, transportation accessibility to arterials and adequate traffic capacities.
- (1) Principal Uses.
 - (i) Arts and entertainment;
 - (ii) Food services;
 - (iii) Personal services;
 - (iv) Small retail trade; and
 - (v) Transit facilities/stops.
 - (2) Secondary Uses.
 - (i) Amusement and recreation industries;
 - (ii) Finance and insurance;
 - (iii) Professional, scientific, and technical services; and
 - (iv) Public administration.
 - (3) Special Regulations.
 - (i) Automotive, boat, and recreational vehicle sales are not allowed.
 - (ii) Drive-through uses are subject to screening requirements found in the applicable design guidelines.
 - (iii) The footprint of any single structure may not exceed 10,000 gross square feet.
 - (iv) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
 - (v) Marijuana facilities are not allowed.

Section 7. LSMC 14.40.010 – Amended. LSMC 14.40.010 is hereby amended to read as follows:
14.40.010 Table of Permissible Uses.

Table 14.40.1 – Table of Permissible Uses by Zones is amended by adding a new Use Category 27.000 for State-Licensed Marijuana Facilities.

TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES¹⁶

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply. P - Permitted Use; A - Administrative Conditional Use; C - Conditional Use (See Section 14.40.020 for explanation of combinations)															
USE DESCRIPTIONS		SR	WR	UR	HUR	MFR	NC ⁴	LB	CBD	MU ¹	PBD ⁵	SRC	LI	GI	P/SP
27.000	STATE-LICENSED MARIJUANA FACILITIES ²¹														
27.100	Marijuana Processing Facility – Indoor Only												P	P	
27.200	Marijuana Production Facility – Indoor Only												P	P	
27.300	Marijuana Retail Facility												P	P	

²¹ Subject to Section [14.44.097](#) (State-Licensed Marijuana Facilities).

Section 8. Chapter 14.44 LSMC – Amended. Chapter 14.44 LSMC is hereby amended to add a new section LSMC 14.44.097 as follows:

14.44.097 State-Licensed Marijuana Facilities.

All state-licensed 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 Control Board's regulations for state-licensed marijuana facilities.
- (b) No marijuana facility shall be allowed as a home occupation.
- (c) The definitions set forth in RCW 69.50.101-.102, WAC 314-55-010 and LSMC 14.08.010 shall control.
- (d) Location.
 - (1) No more than one facility shall be located on a single parcel.
 - (2) No state-licensed marijuana facility may locate within 1,000 feet of any other legally established, state-licensed marijuana facility. For the purposes of administering the 1,000 foot separation between state-licensed marijuana facilities, state-licensed marijuana facilities shall be considered legally established in the order in which they are issued a city business license.
 - (2) Marijuana retail and processing facilities shall be located fully 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.
 - (3) Marijuana production 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.
 - (4) Marijuana facilities shall not be located in mobile or temporary structures.
 - (5) 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 admission to persons less than 21 years of age.
- (e) Size.
 - (1) State-licensed production and processing facilities will be limited in size to 10,000 total square feet or less including processing, storage, office and other incidental spaces; and
 - (2) State-licensed retail locations will be limited in size to 1,000 total square feet or less including sales, storage, office and other incidental spaces.
- (f) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
- (g) 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.
- (h) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located.

- (i) A City of Lake Stevens business license pursuant to Chapter 4.04 LSMC and a state license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of facility operations.
- (i) All facilities shall comply with Chapter 19.27 RCW, State Building Code Act and Chapter 14.80 LSMC Buildings and Construction. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.
- (j) Each retail licensed premises may have one sign, limited to sixteen hundred 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 LSMC.

DRAFT



CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

Subarea Zones

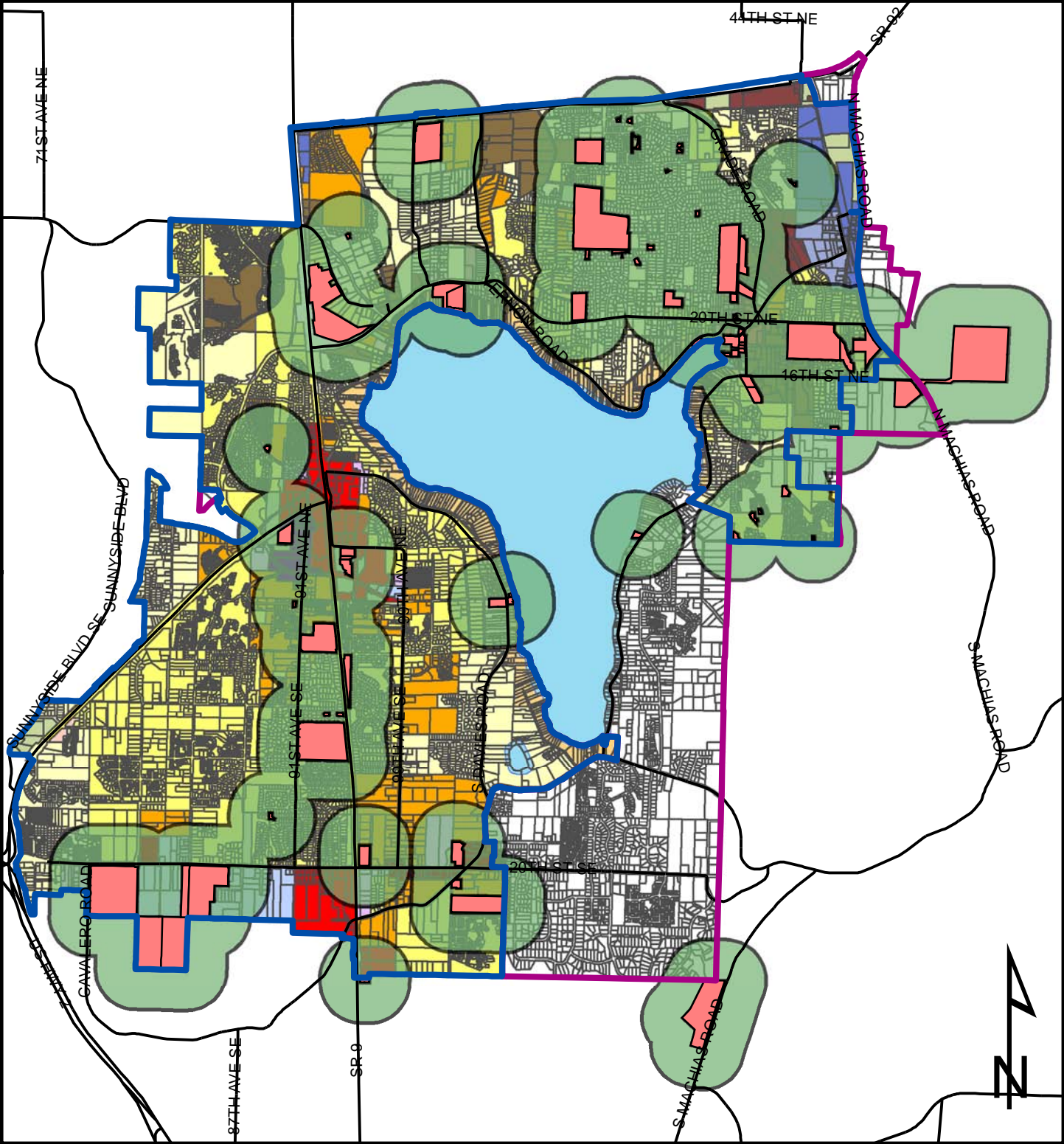
- Urban Residential (UR)
- High Urban Residential (HUR)
- Mixed-Use Neighborhood (MUN)
- Main Street (MS)
- Commercial District (CD)
- Neighborhood Business (NB)
- Business District (BD)
- Public / Semi-Public (P/SP)

City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

DRAFT 12-31-13

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.





CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP - NE

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

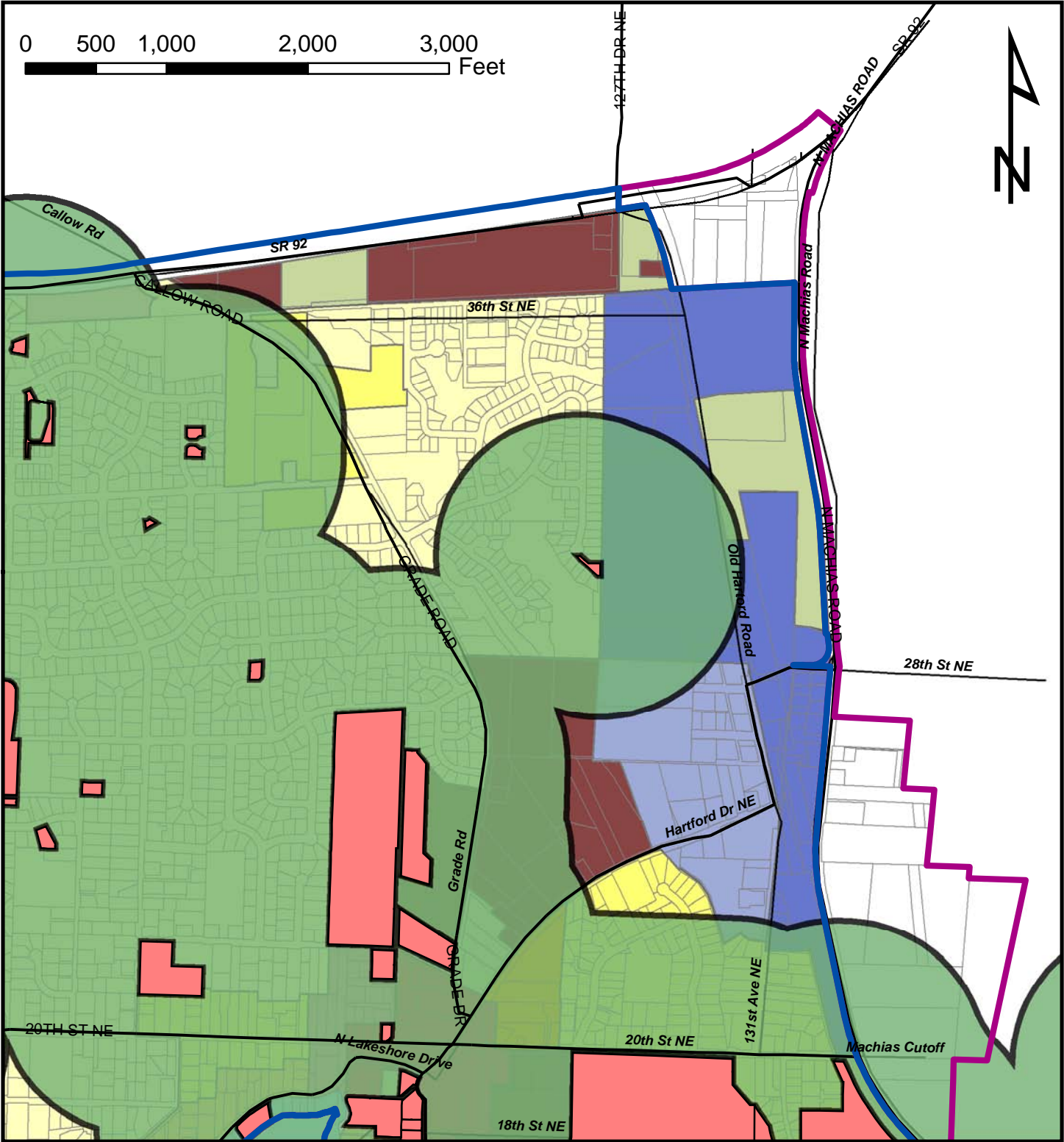
City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.

Properties outside the protective buffer with appropriate zoning may have marijuana uses subject to review & approval

DRAFT 12-31-13





CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP - LSC

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

Subarea Zones

- Urban Residential (UR)
- High Urban Residential (HUR)
- Mixed-Use Neighborhood (MUN)
- Main Street (MS)
- Commercial District (CD)
- Neighborhood Business (NB)
- Business District (BD)
- Public / Semi-Public (P/SP)

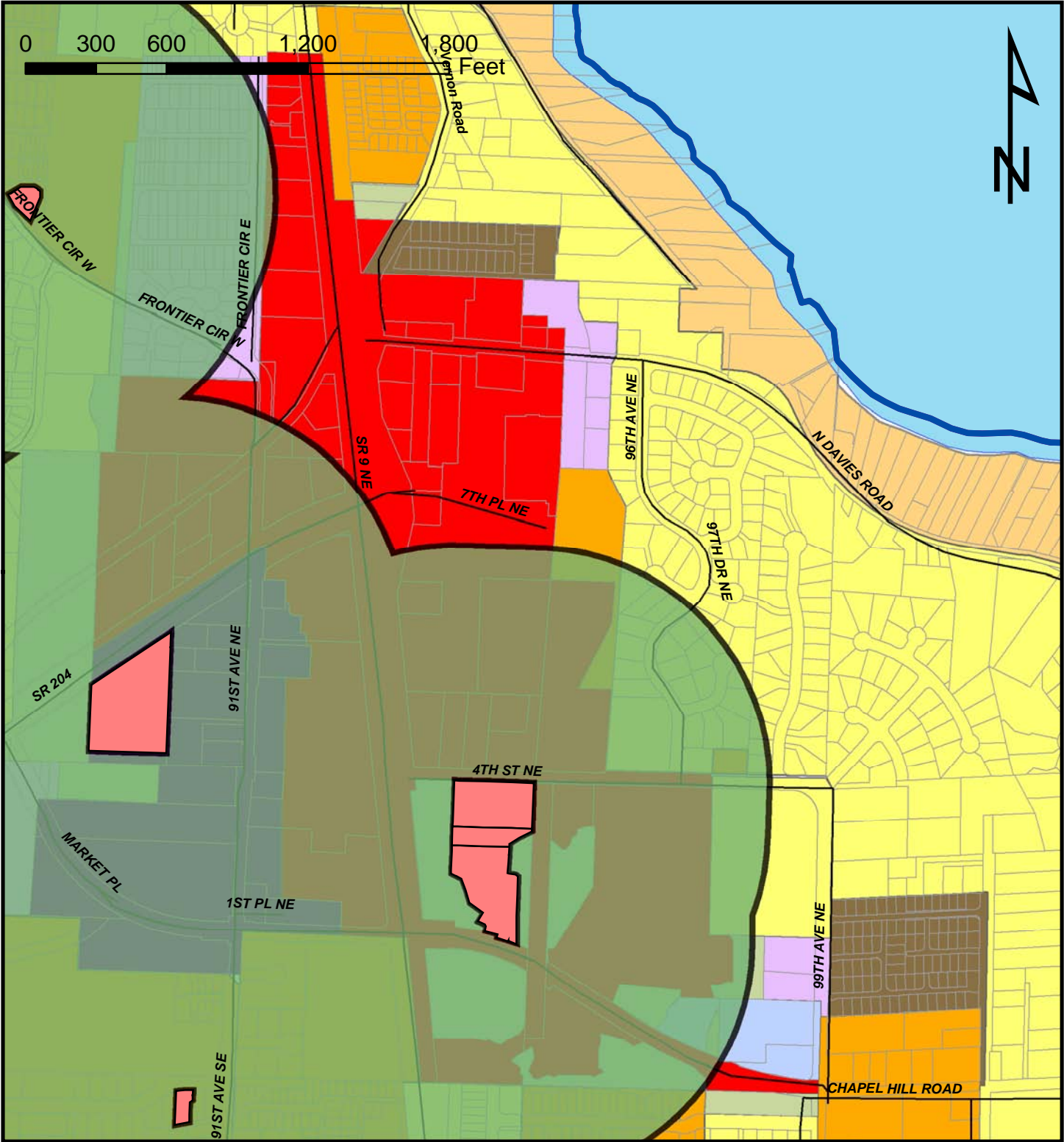
City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

DRAFT 12-31-13

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Properties outside the protective buffer with appropriate zoning may have marijuana uses subject to review & approval





CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP - South

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

Subarea Zones

- Urban Residential (UR)
- High Urban Residential (HUR)
- Mixed-Use Neighborhood (MUN)
- Main Street (MS)
- Commercial District (CD)
- Neighborhood Business (NB)
- Business District (BD)
- Public / Semi-Public (P/SP)

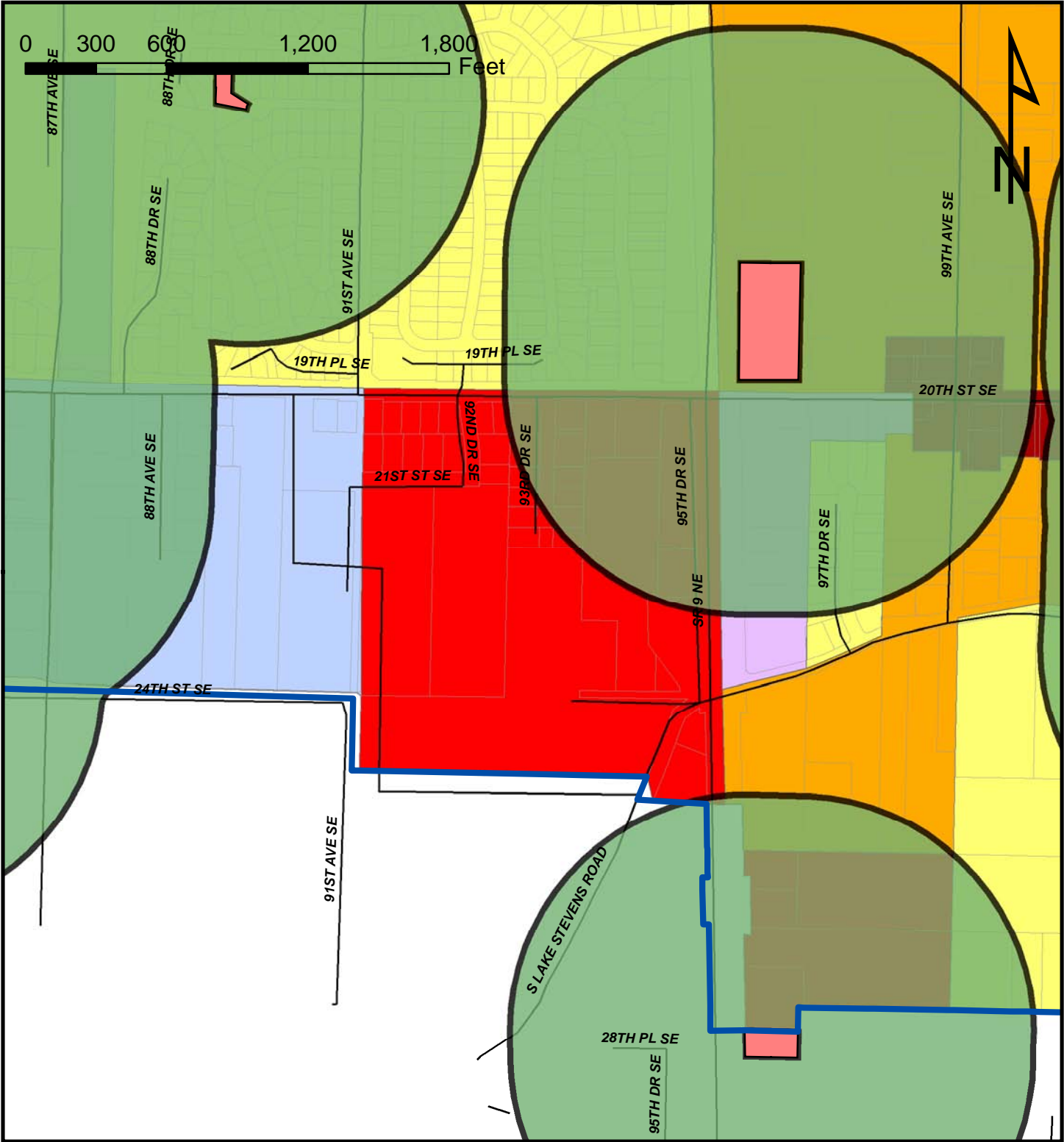
City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

DRAFT 12-20-13

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.

Properties outside the protective buffer with appropriate zoning may have marijuana uses subject to review & approval





CITY OF LAKE STEVENS
PLANNING AND COMMUNITY DEVELOPMENT
PO Box 257, LAKE STEVENS, WA 98258
PHONE: (425) 377-3235 / FAX: (425) 212-3327

CITY OF LAKE STEVENS

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:
I-502 Marijuana Regulations (LUA2013-0096)
2. Name of applicant:
City of Lake Stevens
3. Address and phone number of applicant and contact person:
Russ Wright, Senior Planner
City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258
4. Date checklist prepared:
December 30, 2013
5. Agency requesting checklist:
City of Lake Stevens
6. Proposed timing or schedule (including phasing, if applicable):
 - SEPA Determination – January 2, 2014
 - Public Hearings – January 15, 2014 (Planning Commission)
 - Public Hearings – January 27, 2014 (City Council)
 - Final City Council adoption – February 10, 2014
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
If yes, explain.
Not at this time
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
None
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
NA – a moratorium on marijuana facilities is currently in effect.
10. List any government approvals or permits that will be needed for your proposal, if known.
City Council approval and Department of Commerce review
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The scope of the project is to establish land use regulations, as part of the Lake Stevens Municipal Code, which implement Initiative 502 and conform to Chapter 314-55 Washington Administrative Code (WAC) related to the production, processing and sales of marijuana in state-licensed facilities.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed regulations would restrict marijuana facilities to the city's Commercial District, Light Industrial and General Industrial zoning districts, as shown on the attached vicinity map.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

The City of Lake Stevens' topography includes steep slopes, ravines, hilly and some flat land areas.

- b. What is the steepest slope on the site (approximate percent slope)?

NA – This nonproject action would establish land use regulations for marijuana facilities.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The city contains the following soil series:

- | | |
|-------------------------------|------------------------------|
| • Tokul gravelly loam | • Winston gravelly loam |
| • Mukilteo Muck | • Bellingham silty clay loam |
| • Everett gravelly sandy loam | • McKenna gravelly silt loam |
| • Norma loam | • Rober silt loam |
| • Urban Land | • Pastik silt loam |
| • Disturbed/Fill | • Terric Medisaprist |

- d. Are there surface indications or history of unstable soils in the immediate vicinity?

☒ yes ☐ no

If so, describe.

The Land Capability Classification from the USDA Web Soil Survey shows soil types ranging from 2e to 7e. This index rates the suitability of soil for cultivation. This means some soil types in the city are potentially unstable depending on site conditions, such as soil depth, water content and may be susceptible to erosion without proper soil management. The Tokul, Winston, and Paskit series are most susceptible to erosion. The Bellingham, McKenna, and Pilchuck series may be unstable with excessive water.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

NA – This nonproject action would establish land use regulations for marijuana facilities.

City of Lake Stevens, WA SEPA Environmental Checklist

- f. Could erosion occur as a result of clearing, construction, or use?

☐ yes ☒ no

If so, generally describe.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)?

NA – This nonproject action would establish land use regulations for marijuana facilities.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- b. Are there any off-site sources of emissions or odor that may affect your proposal?

☐ yes ☒ no

If so, generally describe.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities. Air impacts would be reviewed with subsequent land use applications.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)?

☒ yes ☐ no

If yes, describe type and provide names. If appropriate, state what stream or river it flows into

The city of Lake Stevens has several bodies of water including Lake Stevens, Catherine Creek, Stevens Creek, Lundeen Creek, Stitch Lake and associated wetland complexes. Catherine Creek flows into Little Pilchuck Creek.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

☐ yes ☒ no

If yes, please describe and attach available plans.

City of Lake Stevens, WA SEPA Environmental Checklist

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- 4) Will the proposal require surface water withdrawals or diversions?

☐ yes ☒ no

Give general description, purpose, and approximate quantities if known.

- 5) Does the proposal lie within a 100-year floodplain?

☒ yes ☐ no

If so, note location on the site plan.

The city of Lake Stevens has lands with Special Flood Hazard Area Zone A, depicted on the FIRMs for Lake Stevens, WA.

- 6) Does the proposal involve any discharges of waste materials to surface waters?

☐ yes ☒ no

If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water?

☐ yes ☒ no

Give general description, purpose, and approximate quantities if known.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example, domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve

NA – This nonproject action would establish land use regulations for marijuana facilities.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- 2) Could waste materials enter ground or surface waters?

☐ yes ☒ no

If so, generally describe.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

4. Plants

- a. Check types of vegetation found on the site:

- ☒ Deciduous tree: alder, maple, aspen, other
☒ Evergreen tree: fir, cedar, pine, other
☒ Shrubs
☒ Grass
☒ Pasture
☐ Crop or grain
☒ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☒ Water plants: water lily, eelgrass, milfoil, other
☒ Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

NA – This nonproject action would establish land use regulations for marijuana facilities.

- c. List threatened or endangered species known to be on or near the site.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

5. Animals

- a. Circle any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other: raccoons, opossums, rodents

Fish: bass, salmon, trout, herring, shellfish, other: sculpin and stickleback

- b. List any threatened or endangered species known to be on or near the site.

- Lake Stevens - Puget Sound Coho salmon (*O. Kisutch*) – Federal Species of Concern, and State Priority Species
- Streams - Puget Sound Steelhead (*O. mykiss*) – Federal Threatened Species
- Streams - Bull Trout (*S. Confluentus*) – Federal Threatened Species

- a. Is the site part of a migration route?

☒ yes ☐ no

If so, explain. Pacific flyway, salmonid migratory route

d. Proposed measures to preserve or enhance wildlife, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

NA – This nonproject action would establish land use regulations for marijuana facilities. Energy and Natural Resource impacts would be reviewed with subsequent land use applications.

b. Would your project affect the potential use of solar energy by adjacent properties?

☐ yes ☒ no

If so, generally describe.

NA – This nonproject action would establish land use regulations for marijuana facilities.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal?

☐ yes ☒ no

If so, describe.

NA – This nonproject action would establish land use regulations for marijuana facilities. Any use or storage of chemicals would be reviewed with subsequent land use applications.

1) Describe special emergency services that might be required.

NA – This nonproject action would establish land use regulations for marijuana facilities.

2) Proposed measures to reduce or control environmental health hazards, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

b. Noise

1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

NA – This nonproject action would establish land use regulations for marijuana facilities. Noise impacts would be reviewed with subsequent land use applications.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- 3) Proposed measures to reduce or control noise impacts, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities. Noise impacts would be reviewed with subsequent land use applications.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

The city of Lake Stevens includes a variety of urban land uses including residential, commercial, office, industrial and public.

- b. Has the site been used for agriculture?

☒ yes ☐ no

If so, describe.

Some parcels within the city of Lake Stevens were likely used for agriculture in the past. Currently, some larger parcels include fruit trees and may still have farm animals.

- c. Describe any structures on the site.

There are a mix of residential, public, and commercial buildings.

Will any structures be demolished?

☐ yes ☒ no

If so, what?

NA – This nonproject action would establish land use regulations for marijuana facilities.

- e. What is the current zoning classification of the site?

The proposed regulations would restrict marijuana facilities to the Commercial District, Light Industrial and General Industrial zoning districts.

- f. What is the current comprehensive plan designation of the site?

The proposed regulations would restrict marijuana facilities to the Commercial, Light Industrial and General Industrial comprehensive plan designations.

- g. If applicable, what is the current shoreline master program designation of the site?

The city's Shoreline Master Program has the following Environment Designations: Aquatic, Natural, High Intensity, Urban Conservancy, and Shoreline Residential.

- h. Has any part of the site been classified as an "environmentally sensitive" area?

☒ yes ☐ no

If so, specify.

Yes, the city of Lake Stevens includes a variety of critical areas including streams, wetlands, fish and wildlife habitat conservation areas, flood hazard areas and geologically hazardous areas.

- i. Approximately how many people would reside or work in the completed project?
NA – This nonproject action would establish land use regulations for marijuana facilities.
- j. Approximately how many people would the completed project displace?
NA – This nonproject action would establish land use regulations for marijuana facilities.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
NA – This nonproject action would establish land use regulations for marijuana facilities.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The scope of the project is to establish land use regulations for marijuana facilities that conform to Chapter 314-55 WAC.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
NA – This nonproject action would establish land use regulations for marijuana facilities.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
NA – This nonproject action would establish land use regulations for marijuana facilities.
- c. Proposed measures to reduce or control housing impacts, if any:
NA – This nonproject action would establish land use regulations for marijuana facilities.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
NA – This nonproject action would establish land use regulations for marijuana facilities.
- b. What views in the immediate vicinity would be altered or obstructed?
NA – This nonproject action would establish land use regulations for marijuana facilities that would be restricted to inside buildings.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
NA – This nonproject action would establish land use regulations for marijuana facilities that would be restricted to inside buildings.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

NA – This nonproject action would establish land use regulations for marijuana facilities that would be restricted to inside buildings.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

NA – This nonproject action would establish land use regulations for marijuana facilities that would be restricted to inside buildings.

- c. What existing off-site sources of light or glare may affect your proposal?

NA – This nonproject action would establish land use regulations for marijuana facilities.

- d. Proposed measures to reduce or control light and glare impacts, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The city of Lake Stevens includes a variety of recreational facilities including the lake, city and county parks, schools, athletic fields, and the Centennial Trail.

- b. Would the proposed project displace any existing recreational uses?

☐ yes ☒ no

If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities. Marijuana facilities would not be allowed w/in 1,000 feet of defined child-oriented areas including public parks and playgrounds.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site?

☒ yes ☐ no

If so, generally describe.

The WA Dept. of Archaeology and Historic Preservation database shows two historical properties adjacent to Lake Stevens including the Grimm House a nationally registered historic place.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- c. Proposed measures to reduce or control impacts, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The city of Lake Stevens includes several major roads including highways SR-9, SR-92, and SR-204. Major roads through the city include Vernon, Lundeen Parkways, 20th Street NE and 20th Street SE.

- b. Is the site currently served by public transit?

☒ yes ☐ no

If not, what is the approximate distance to the nearest transit stop?

- c. How many parking spaces would the completed project have? How many would the project eliminate?

NA – This nonproject action would establish land use regulations for marijuana facilities.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways?

☐ yes ☒ no

If so, generally describe (indicate whether public or private).

NA – This nonproject action would establish land use regulations for marijuana facilities.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation?

☐ yes ☒ no

If so, generally describe.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

NA – This nonproject action would establish land use regulations for marijuana facilities.

- g. Proposed measures to reduce or control transportation impacts, if any:

NA – This nonproject action would establish land use regulations for marijuana facilities.

15. Public Services

- a. Would the project result in an increased need for public services (for example, fire protection, police protection, health care, schools, other)?

☐ yes ☒ no

If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

NA – This nonproject action would establish land use regulations for marijuana facilities. Future facilities to be approved with subsequent land use review may require additional police service.

16. Utilities

a. Check utilities currently available at the site:

☒ Electricity

☒ Natural gas

☒ Water

☒ Refuse service

☒ Telephone

☒ Sanitary sewer

☒ Septic system

☐ Other (list)

f. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.

NA – This nonproject action would establish land use regulations for marijuana facilities.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:



Date Submitted: December 30, 2013

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity, or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is not likely to increase discharge to water discharge; air emissions; production, storage, or release of toxic or hazardous substances, or production of noise.

Proposed measures to avoid or reduce such increases are:

Future marijuana facilities will be required to comply with applicable regulations related to water discharge; air emissions; production, storage, or release of toxic or hazardous substances, or production of noise.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not likely to affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Any future marijuana facilities will be required to comply with applicable regulations related to plants, animals, fish, or marine life.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to deplete energy sources. All new development would be subject to the International Energy Code and all municipal code requirements.

Proposed measures to protect or conserve energy and natural resources are:

Any future marijuana facilities will be required to comply with applicable regulations to protect or conserve energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is not likely to affect environmentally sensitive areas and historical or archaeological sites.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any future marijuana facilities will be required to comply with applicable regulations to protect environmentally critical areas and historical or archaeological sites, including inadvertent discoveries. Marijuana facilities would retain a separation from public parks and playgrounds as described in Chapter 314-55 WAC.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

As noted, the scope of the project is to establish land use regulations for marijuana facilities that conform to Chapter 314-55 WAC.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Any future marijuana facilities will be required to comply with applicable shoreline and land use regulations.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

It is not likely that the proposal will increase transportation demands or public services and utilities beyond other commercial retail and similar industrial production and warehouse uses.

Proposed measures to reduce or respond to such demand(s) are:

Any future marijuana facilities will be required to comply with applicable transportation, public service, and utility requirements.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal creates no known conflicts with local and state law. It is consistent with the *City of Lake Stevens Comprehensive Plan*, the Growth Management Act (Chapter 36.70A RCW) and Chapter 314-55 WAC.



DETERMINATION OF NONSIGNIFICANCE

Issuance Date: January 2, 2014

Project Name (No.): I-502 Marijuana Regulations (LUA2013-0096)

Proponent: City of Lake Stevens

Applicants: City of Lake Stevens, 1812 Main Street, P.O. Box 257, Lake Stevens, WA 98258

Description of Proposal: The scope of the project is to establish land use regulations, as part of the Lake Stevens Municipal Code, which implement Initiative 502 and conform to Chapter 314-55 Washington Administrative Code (WAC) related to the production, processing and sales of marijuana in state-licensed facilities.

Project Location: The proposed regulations would restrict marijuana facilities to the city's Commercial District, Light Industrial and General Industrial zoning districts.

Contact Person: Russ Wright, Senior Planner

Phone: (425) 212-3315

Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

SEPA Responsible Official:

Rebecca Ableman, Lake Stevens Planning & Community Development Director

Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by **January 17, 2014**. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than 5:00 PM, **January 17, 2014**. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: Russ Wright.



Department of Commerce

Innovation is in our nature.

Notice of Proposed Amendment Request for Expedited Review

Pursuant to RCW 36.70A.106(3)(b), the following jurisdiction provides notice of a proposed development regulation amendment and requests expedited state agency review under the Growth Management Act.

*****Under statute, proposed amendments to comprehensive plans are not eligible for expedited review. The expedited review period is 10 business days (14 calendar days).***

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

Jurisdiction:	City of Lake Stevens
Mailing Address:	PO Box 257, Lake Stevens WA 98208
Date:	January 2, 2014

Contact Name:	Russ Wright
Title/Position:	Senior Planner
Phone Number:	425-212-3315
E-mail Address:	rwright@lakestevenswa.gov

Brief Description of the Proposed/Draft Development Regulations Amendment: (40 words or less)	<i>The scope of the project is to establish land use regulations, as part of the Lake Stevens Municipal Code, which implement Initiative 502 and conform to Chapter 314-55 Washington Administrative Code (WAC) related to the production, processing and sales of marijuana in state-licensed facilities.</i>
Public Hearing Date:	Planning Board/Commission: 1/15/14 Council/County Commission: 1/27/14 & 2/10/14
Proposed Adoption Date:	2/10/2014

REQUIRED: Attach or include a copy the proposed amendment text.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

January 2, 2014

Russell Wright
Senior Planner
City of Lake Stevens
Post Office Box 257
Lake Stevens, Washington 98258

Dear Mr. Wright:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Lake Stevens - Proposed land use regulations, which implement Initiative 502 and conform to Chapter 314-55 Washington Administrative Code (WAC) related to the production, processing and sales of marijuana in state-licensed facilities. These materials were received on January 02, 2014 and processed with the material ID # 19900. Expedited Review is requested under RCW 36.70A.106(3)(b).

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services



AFFIDAVIT OF POSTING + DNS

Before the Lake Stevens Planning Commission
 Date of Hearing January 15, 2014
 Project Name Recreational Marijuana Regs.
 Project Number LUA2013-0096
 Purpose of Hearing Establish Codes for new
I-502 Recreational Marijuana

Please be advised that on this day, the undersigned, representing the City of Lake Stevens, did post in a minimum of three (3) separate places as provided by City Ordinances and State Laws the following Notice of Public Hearing:

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. Property: # of signs -	_____	_____
2. City Hall	<u>1/2/14</u>	<u>gmm</u>
3. Permit Center	<u>1/2/14</u>	<u>gmm</u>
4. Web Page	<u>1/2/14</u>	<u>gmm</u>
5. Publication in Lake Stevens Journal	<u>1/8/14 - Notice only</u>	<u>gmm</u>
Emailed:	<u>12/31/13</u>	<u>gmm</u>
OR		
Everett Herald	<u>1/2/14 Notice +</u>	<u>gmm</u>
Emailed:	<u>12/31/13 DNS</u>	<u>gmm</u>
6. Mailings (300') # _____, Date _____ By, _____		



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **January 15, 2014**

Subject: **2015 Comprehensive Plan Update**

Contact Person/Department: **Rebecca Ableman**, Planning & Community Development Director / **Russ Wright**, Senior Planner

SUMMARY:

Introduction to the city of Lake Stevens major 2015 Comprehensive Plan Update

ACTION REQUESTED OF PLANNING COMMISSION:

No action requested at this time.

BACKGROUND/DISCUSSION:

The Growth Management Act (GMA), Chapter 36.70A of the Revised Code of Washington (RCW), mandates counties and cities develop comprehensive plans to accommodate the jurisdiction's projected growth for the next 20 years. Comprehensive plans must include the following mandatory elements:

- | | |
|-----------------------|-----------------------------|
| 1. Land Use | 5. Rural Element (counties) |
| 2. Housing | 6. Transportation |
| 3. Capital Facilities | 7. Economic Development |
| 4. Utilities | 8. Park and Recreation |

Comprehensive plans may also include Conservation, Solar Energy, Recreation and Subarea Plans as optional elements. These planning elements create the framework for local development regulations.

Jurisdictions are required to update their comprehensive plans and development regulations periodically to remain compliant with GMA requirements and to be eligible for state grants and loans. Minor updates usually occur as part of the jurisdiction's annual docket. The GMA mandates jurisdictions complete thorough updates to comprehensive plans according to a predetermined schedule. Snohomish County cities, including Lake Stevens, must complete their major updates by June 30, 2015.

The last major update to the Lake Stevens Comprehensive Plan occurred in 2005. Through its annual docket cycles, Lake Stevens' staff, boards, and council have sought to maintain an up-to-date plan. For example, the city incorporated the economic development data and strategies into goals and policies. The Lake Stevens South Growth Framework Plan data has been incorporated into background goals and policies. The city adopted two subarea plans that considered land uses and housing in large portions of the city – the land use element incorporated these changes. The city continues to update its transportation element regularly, which contributed to the completion of new concurrency based impact fee system. The city adopted a revised Park, Recreation, and Open Space element last year with a new model for determining levels of service.

As the city begins preparing to update its comprehensive plan for 2015, it will need to accomplish several tasks. Staff has begun a self-audit of its comprehensive plan and development regulations by completing Department of Commerce and Puget Sound Regional Council worksheets to identify in any content gaps or inconsistencies. Alongside this self-evaluation, the city needs to address some fundamental questions:

1. What has changed since the last time we adopted our comp plan (e.g., boundaries, population and infrastructure)?
2. How has demand for various land uses changed?
3. What has been implemented (e.g., critical areas, shoreline, floodplain, etc.)?
4. Are we using all of our tools (e.g., subarea planning, innovative codes, continuous public participation, etc)
5. Does the comprehensive plan accurately reflect the city's community vision?

These actions will provide a scope of work for the update process. Other tasks will include developing a detailed schedule to address any necessary changes to individual elements, establishing a public participation plan to ensure the update incorporates broad perspectives and community concerns. This may include open houses, workshops and public hearings with the Planning Commission and City Council. It will also include any State Environmental Policy Act notifications and actions. After the evaluation and revision process is complete, the City Council will adopt an ordinance or resolution identifying any proposed changes. Next, staff will submit the plan to the Dept. of Commerce and affected agencies for a 60-day review. Finally, the City Council will adopt the revised plan by ordinance.