



PLANNING COMMISSION AGENDA

Regular Meeting Date: 1.06.2016

Planning Commission Meeting:

First Wednesday of every Month @ 7:00pm

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. Election of New Officers
 - 2. Approval of 12.02.2015 Meeting Minutes
- F. **DISCUSSION ITEMS**
 - 1. Marijuana Regulations — Wright*
 - 2. Grading and Clearing Code Revision (LSMC 14.44.100) — Pratschner*
- G. **COMMISSIONER REPORTS**
- H. **PLANNING DIRECTOR / STAFF REPORTS**
- I. **ADJOURN**

*Items attached

**Items previously distributed

Items to be distributed

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,

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, December 2, 2015

CALL TO ORDER: 7:00 pm by Chair Tom Matlack

MEMBERS PRESENT: Chair Tom Matlack, Linda Hoult, Gary Petershagen, Vicky Oslund

MEMBERS ABSENT: Commissioner Janice Huxford and Vice Chair Jennifer Davis

STAFF PRESENT: Interim Planning Director Russ Wright and Clerk Jill Meis

OTHERS PRESENT: Tracey Trout, Sally Jo Sebring and Rauchel McDaniel

Excused Absence: Commissioner Hoult made a motion to excuse Commissioner Huxford and Vice Chair Davis, Commissioner Petershagen 2nd, Motion carried 4-0-0-2.

Guest business: None

Announcements:

Action Items:

1. *Approve November 4, 2015 Meeting Minutes.* Commissioner Oslund made a motion to approve November 4, 2015 minutes, Commissioner Hoult 2nd. Motion carried 4-0-0-2.
2. *Approval of Rules and Procedures.* Commissioner Hoult made a motion to approve the revised Rules and Procedures as presented, Commissioner Oslund 2nd, Motion carried 4-0-0-2.

Discussion Items:

Critical Areas Introduction - Associate Planner Amy Lucas gave an introduction to the changes in state laws and state agency guidelines to determine project scope and changes necessary to the City of Lake Stevens Municipal Code. The Department of Ecology has revised the wetland rating system and clarified definitions of category scoring that need to be mirrored in the City's wetland review and scoring criteria. The timing and schedule was discussed and the City will make the changes in the code prior to opening the Shoreline Management Program. The updated storm water code should not affect critical areas review.

Marijuana Regulations – Interim Planning Director Wright presented the changes the State of Washington has made for marijuana regulations and the possibility for municipalities to allow more retail facilities. Interim Planning Director Wright also explained the process for the change of use and said the City may look at changing the current process for permitting the marijuana industry

Commissioner Reports: Commissioner Oslund welcomed new Associate Planner Amy

Lucas. Chair Matlack announced that both the Planning Commission and Design Review Board vacancies have been filled he also wanted everyone to know that the weather and other circumstances have been hard on the community and urged everyone to donate when possible. Commissioner Hoult gave the agenda for the Snohomish County Tomorrow steering committee meeting tonight, she also reminded everyone that the Dicken's Fair is 12/5/2015 and wanted an update for filling the open positions at the City.

Staff Report: Interim Planning Director Wright reported that the City Council passed the HUR Code Amendment and the budget. He fielded a question by Commissioner Petershagen about the storm pond discussion at the City Council meeting.

Adjourn: Motion by Commissioner Hoult, Commissioner Oslund 2nd. Motion carried 4-0-0-2. Meeting adjourned at 7:30 p.m.

Tom Matlack, Chair

Jill Meis, Clerk, Planning &
Community Development



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing

Date: **January 6, 2015**

Subject: **Amendments to the City of Lake Stevens Grading & Clearing Permit Regulations**

Contact Person/Department: **Russ Wright**, Interim Planning & Community Development Director
/ **Stacie Pratschner**, Senior Planner

SUMMARY:

A scope and schedule for proposed amendments to the city of Lake Stevens Grading and Clearing Permit development regulations as mandated and outlined by RCW 36.70A.130 as part of the Comprehensive Plan update process.

ACTION REQUESTED OF PLANNING COMMISSION:

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

BACKGROUND / DISCUSSION:

Under the Planning Goals outlined in the Growth Management Act (RCW 36.70A.020), Cities and Counties subject to plan under RCW 36.70A.040, are required to adopt regulations that require appropriate approvals for clearing and grading and appropriate approvals for all phases of the conversion of forest lands (RCW 36.70A.570). Cities within Snohomish County are required to consider updates to their development regulations, including regulation of forest practices, as part of their scheduled Comprehensive Plan Update as outlined in RCW 36.70A.130(5)(a), or every eight years.

The purpose of this briefing is to discuss a draft work plan and schedule and receive feedback on the initial scope and schedule for amendments to the city's grading and clearing regulations. As part of the 2015 Comprehensive Plan update process, the city of Lake Stevens has identified three major issues which require an update to the grading and clearing permit regulations:

1. Evaluate current thresholds for requiring clearing and grading permits and review process as found in Chapter 14.64 LSMC – Part II;
 - Consider modifying process for major clearing and grading projects as an administrative conditional use process;
 - Clarify the administration of landscaping bonds associated with site stabilization after fill and grade activities;
 - Review the applicability of stand-alone fill and grade permits; and
 - Add language that requires the applicant to submit a letter from the project CESCL stating that TESC has been installed according to approved plans and State standards.
2. Integrate the forest practices regulations as outlined in RCW 76.09.010 to ensure natural resource protection of public and private forest lands; and
3. Evaluate current tree preservation standards found in LSMC 14.76.120.

Other needed changes may be revealed as staff completes the initial research and review process for the code amendments. Staff is proposing a five to six month process to review the code and draft revisions for the Planning Commission and the City Council to consider. Other tasks included in the scope of the project include SEPA notification and actions, various staff reports and briefings to the Planning Commission and City Council, WA Department of Commerce 60-day review, coordination with the Department of Natural Resources on forest practices, public notification and public hearings as needed.

Attachment: City of Lake Stevens Grading and Clearing Permits Regulations Code Revision Work Program

City of Lake Stevens Grading and Clearing Permits (LSMC 14.44.100) Code Revision Work Program

	Critical Area Regulations Update Draft Regulations					
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
Research	1/4/2015 – 2/1/2015					
Draft Code Amendments		2/1/2015 – 2/15/2016				
Draft Ordinances			2/15/2016 – 3/1/2016			
Attorney Review				3/1/2016 – 4/1/2016		
Prepare & Issue SEPA (comment/appeal)		2/15/2016				
Commerce Review		2/15/2016 – 3/31/2016				
Publish Notice Planning Commission Public Hearing			Notice Twice – 1 st notice 10 Days Before Hearing			
Planning Commission Review (B-briefing; PH-public hearing)	1/6/2015 (B)	2/17/2015 (B)	3/16/2016 (B)	4/6/2016 (PH)		
Publish Notice City Council Public Hearing					Notice 10 Days Before Hearing	Notice 10 Days Before Hearing
City Council Briefings & Workshops (B-briefing; PH-public hearing)			3/8/2016 (B)	4/12/2016 (B)	5/10/2016 (B)	
City Council Public Hearing, 1 st Reading					5/24/2016 (PH) 1 st Reading	
City Council Public Hearing, 2 nd & Final Reading						6/7/2016 (PH) 2 nd Reading
Effective date						Code Revisions Effective -5 Days After Publication

Purpose: Consideration of proposed amendments to the grading and clearing permit regulations for inclusion in the Lake Stevens Municipal Code.



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **January 6, 2016**

SUBJECTS: Marijuana Regulations

CONTACT PERSON/DEPARTMENT: Russ Wright, *Interim Planning Director*

SUMMARY: Potential amendments to the city's marijuana regulations in relationship to community feedback and amendments to state law.

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

BACKGROUND/HISTORY:

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. The Liquor and Cannabis Board (AKA Liquor Control Board) prepared state rules to implement I-502 as Chapter 314-55 of the Washington Administrative Code (WAC). The Lake Stevens City Council adopted local regulations related to the siting and administration of marijuana facilities and uses on February 10, 2014. The Lake Stevens ordinance paralleled the WAC requirements for licensing and buffers. The city's regulations added requirements providing an overall cap of 100,000 square feet for production and processing, establishing size requirements for retail locations and setting zoning for production/processing and retail. Under a previous action, on June 10, 2013, the City Council prohibited the siting of Collective Gardens for medical marijuana based on uncertainty of land use impacts and legal status. The Governor recently signed Second Engrossed Substitute House Bill 2136, which adopts reforms to the previous state marijuana regulations. The medical marijuana legislation has also been revised under Second Substitute Senate Bill 5052.

At the July 13, 2015 Council meeting, staff provided Council with information on the current status of marijuana facilities in the city and potential changes from new state regulations. Staff also informed Council that it had received comments from the public to reconsider the "co-location prohibition" included in the city's current marijuana ordinance. At the September 8, 2015 Council meeting staff discussed a project scope with City Council to provide direction on potential changes to the city's marijuana regulations based on the public comments and state changes. Additionally, some councilmembers are interested in reducing the square footage cap for producers in the city based on rapid market saturation in the industrial areas. Current summary of I-502 locations are included as Attachment 1. Subsequent to the City Council providing direction, the Liquor and Cannabis Board (LCB) removed its cap on local retail locations, which has resulted in the adoption of a 12-month moratorium for new marijuana retail locations in the city. On December 16, 2015, the LCB clarified its allocation strategy in a press release (Attachment 2) which increasing the statewide cap from 334 to 556 marijuana stores to accommodate changes to medical marijuana regulations. This would mean Lake Stevens could receive one additional retail location (Attachment 3) based on LCB considering this recommendation on January 6, 2016.

Staff is proposing that Planning Commission consider these primary changes to the city's marijuana regulations (Attachment 4):

1. Modify definitions as needed;
2. Repeal prohibition on Collective Gardens due to changes in state law by authorizing sale of medical marijuana / cannabis at licensed retail locations with endorsements;
3. Remove local co-location prohibition;
4. Add local cap on number of allowed retail locations; and
5. Additionally, some councilmembers are interested in reducing the square footage cap for producers in the city based on rapid market saturation in the industrial areas.

ATTACHED:

1. I-502 Production Facility Summary
2. December 16, 2015 LCB Press Release
3. LCB Proposed Retail Allocations
4. Proposed Regulations

Permitted and Active Applications for I-502 Businesses in the City of Lake Stevens		
APPROVED		
Business Name	Gross Square Feet	Permit Status
	100,000	Applied or Approved?
Pacific NW Growers	4,000	Approved
All Natural Pain Relief	1,800	Approved
Golden Tree	14,172	Approved
Hyland Ranch	4,000	Approved
Hang Roots	9,408	Approved
Janes Garden	18,895	Approved
One of a Kind Genetics	7,438	Approved
Diamond Tree	14,000	on-hold
<i>Total Permitted</i>	<i>59,713</i>	
Remaining Capacity	40,287	

Attachment 2

Board to increase the number of retail stores by 222 to ensure access by medical patients

OLYMPIA – Following an analysis of the entire marijuana marketplace in Washington State, the Washington State Liquor and Cannabis Board (WSLCB) today heard a recommendation from staff to increase the number of retail marijuana stores from the current cap of 334 to a new cap of 556. The methodology for the cap will be part of emergency rules which will be announced Jan. 6, 2016. The allocation of retail licenses determined by the board will be published on the WSLCB website at lcb.wa.gov.

“Our goal was clear; to ensure medical patients have access to the products they need,” said WSLCB Director Rick Garza. “There will be more storefronts for patients going forward than are available today. In addition, qualified patients can grow their own or join a four-member cooperative.”

Earlier this year the legislature enacted, and Gov. Inslee signed, legislation (SSB 5052) entitled the Cannabis Patient Protection Act. The new law charges the WSLCB, the state Department of Health and other agencies with drafting regulations that integrate the medical marijuana marketplace into the tightly controlled recreational marketplace. The WSLCB is charged with licensing retail applicants using a priority-based system.

Priority Licensing System

- **First priority** applicants are those who applied for a marijuana retail license prior to July 1, 2014, operated (or were employed by) a collective garden prior to January 1, 2013, have maintained a state and local business license and have a history of paying state taxes and fees.
- **Second priority** applicants are those who operated (or were employed by) a collective garden prior to January 1, 2013, have maintained a state and local business license, and have a history of paying state taxes and fees.
- **Third priority** applicants are those who don't meet the first or second criteria.

The WSLCB began accepting license applications on Oct. 12, 2015. Thus far, the WSLCB has received 1,194 retail applications. Of those who have applied, 39 have been determined as priority one and 42 have been determined as priority two. Applicants must still meet all other WSLCB licensing criteria before being licensed.

Proportionate Allocation based on Medical Sales

The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county and to accommodate the medical needs of qualifying patients and designated providers. Locations not assigned to a specific city will be at large.

WSLCB will increase the number of available licenses in the ten counties with the highest medical sales by 100 percent. Exceptions include Yakima and Benton Counties which have bans and moratoria in all major population centers. The 100 percent increase will transfer to the next two highest for medical needs, Skagit and Cowlitz Counties. Those counties and jurisdictions not in the top ten for medical sales will receive an increase of the number of licensees by 75 percent.

In addition to new retail licensees, 70 percent of existing retail recreational marijuana stores have received an endorsement on their license to sell medical marijuana.

BOTEC Analysis Corporation Report

BOTEC Analysis Corporation provided its final report, Estimating the Size of the Medical Cannabis Market in Washington State, on Dec. 15, 2015. In its report, BOTEC provided a range of the value of the overall marijuana market in Washington State. Its best estimate of the overall market value is a median figure at \$1.3 billion annually. Its best estimate on the breakdown is: \$480M medical (37 percent of market), \$460M state-licensed recreational stores (35 percent of market) and \$390M illicit (28 percent of the market).

The mission of the Washington State Liquor and Cannabis Board is to promote public safety and trust through fair administration and enforcement of liquor, tobacco and marijuana laws.

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Washington State Liquor and Cannabis Board

Legend

Counties increased by 75%	
Counties increased 100%	
Ban or Moratorium	

Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Adams County					
At Large	2	0	1	3	
Asotin County					
At Large	2	2	1	3	
Benton County					
At Large	2	2	0	2	Moratorium
Kennewick	4	1	0	4	Ban
Richland	3	0	0	3	Ban
West Richland	1	1	0	1	Ban
Chelan County					
At Large	3	3	0	3	Moratorium
Wenatchee	3	2	2	5	
Clallam County					
At Large	3	3	2	5	
Port Angeles	2	2	1	3	
Sequim	1	1	1	2	
Clark County					
At Large	6	5	0	6	Ban
Battle Ground	1	1	1	2	
Camas	1	1	0	1	Ban
Vancouver	6	6	6	12	
Washougal	1	1	0	1	Ban

Columbia County					
At Large	1	0	0	1	Ban

Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Cowlitz County					
At Large	3	3	3	6	
Kelso	1	0	1	2	
Longview	3	3	3	6	
Douglas County					
At Large	2	3	0	2	Moratorium
East Wenatchee	1	1	1	2	
Ferry County					
At Large	1	1	1	2	
Franklin County					
At Large	1	0	0	1	Ban
Pasco	4	3	0	4	Ban
Garfield County					
At Large	1	0	0	1	Ban
Grant County					
At Large	3	2	2	5	
Ephrata	1	1	1	2	
Moses Lake	2	2	1	3	
Quincy	1	0	0	1	Ban
Grays Harbor County					
At Large	3	3	2	5	
Aberdeen	1	2	1	2	
Hoquiam	1	1	1	2	
Ocean Shores	1	1	1	2	
Island County					
At Large	3	3	2	5	
Oak Harbor	1	1	1	2	

Jefferson County					
At Large	3	3	2	5	
Port Townsend	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
King County					
At Large	11	11	11	22	
Auburn (part)	2	2	2	4	
Bellevue	4	4	4	8	
Burien	1	0	1	2	
Des Moines	1	1	1	2	
Federal Way	3	4	0	3	Moratorium
Issaquah	1	1	1	2	
Kent	3	3	0	3	Ban
Kirkland	2	2	2	4	
Maple Valley	1	0	1	2	
Mercer Island	1	0	1	2	
Redmond	2	2	2	4	
Renton	3	3	3	6	
Sammamish	1	0	0	1	Ban
SeaTac	1	1	0	1	Ban
Seattle	21	27	21	42	
Shoreline	2	2	2	4	
Tukwila	1	0	1	2	
Kitsap County					
At Large	7	7	7	14	
Bainbridge Island	1	1	1	2	
Bremerton	2	3	2	4	
Kittitas County					
At Large	2	2	1	3	
Ellensburg	2	2	1	3	
Klickitat County					
At Large	3	2	2	5	
Goldendale	1	1	0	1	Ban

Lewis County					
At Large	4	3	3	7	
Centralia	2	2	1	3	
Chehalis	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Lincoln County					
At Large	2	0	1	3	
Mason County					
At Large	4	4	3	7	
Shelton	1	1	1	2	
Okanogan County					
At Large	4	3	3	7	
Omak	1	1	0	1	Ban
Pacific County					
At Large	2	2	1	3	
Pend Oreille County					
At Large	2	1	1	3	
Pierce County					
At Large	17	17	0	17	Ban
Bonney Lake	1	1	0	1	Ban
Lakewood	2	2	0	2	Ban
Puyallup	2	2	0	2	Ban
Tacoma	8	9	8	16	
University Place	1	0	0	1	Ban
San Juan County					
At Large	0	0	0	0	
San Juan Island	1	1	1	2	
Lopez Island	1	1	1	2	
Orcas Island	1	1	1	2	

Skagit County					
At Large	4	4	4	8	
Anacortes	1	1	1	2	
Burlington	1	1	1	2	
Mount Vernon	3	3	3	6	
Sedro-Woolley	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Skamania County					
At Large	2	2	1	3	
Snohomish County					
At Large	16	16	16	32	
Arlington	1	1	1	2	
Bothell (part)	1	1	1	2	
Edmonds	2	1	2	4	
Everett	5	5	5	10	
Lake Stevens	1	1	1	2	
Lynnwood	2	2	2	4	
Marysville	3	3	0	3	Ban
Mill Creek	1	1	0	1	Ban
Monroe	1	0	1	2	
Mountlake Terrace	1	1	1	2	
Mukilteo	1	0	1	2	
Spokane County					
At Large	7	7	7	14	
Spokane	8	8	8	16	
Spokane Valley	3	3	0	3	Moratorium
Stevens County					
At Large	4	3	3	7	
Thurston County					
At Large	6	6	6	12	
Lacey	2	2	2	4	
Olympia	2	2	2	4	
Tumwater	1	1	1	2	

Wahkiakum County					
At Large	1	0	1	2	
Walla Walla County					
At Large	2	2	0	2	Ban
Walla Walla	2	2	1	3	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Whatcom County					
At Large	7	6	7	14	
Bellingham	6	6	6	12	
Ferndale	1	1	1	2	
Lynden	1	0	0	1	Ban
Whitman County					
At Large	1	0	1	2	
Pullman	3	3	2	5	
Yakima County					
At Large	6	5	0	6	Ban
Grandview	1	0	0	1	Ban
Selah	1	0	0	1	Ban
Sunnyside	1	1	0	1	Ban
Yakima	5	5	0	5	Moratorium
Total	334	305	222	556	35

14.08.010 Definitions

Cooperative. A cooperative established under RCW 69.51A.250 to produce and process marijuana only for the medical use of members of the cooperative (definition related to medical marijuana regulations only).

Marijuana. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Concentrates. Any product consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than ten percent

Marijuana Processing Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor ~~Control~~ and Cannabis Board to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Products. Useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

Marijuana Production Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor ~~Control~~ and Cannabis Board to produce marijuana at wholesale to marijuana processor licensees and to other marijuana producers.

Marijuana-Infused Products. Products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

Marijuana Retail Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor ~~Control~~ and Cannabis Board to sell marijuana only usable concentrates, useable marijuana, marijuana-infused products ~~and marijuana paraphernalia to persons 21 years of age and older~~ in a retail outlet.

14.40.040 Permissible and Prohibited Uses

(b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(5) Medical cannabis (marijuana) collective gardens and medical cannabis (marijuana) dispensaries, as those terms are defined or described in this code and/or under state law, are prohibited in all zoning districts of the City of Lake Stevens.

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](#) to [69.50.102](#), WAC [314-55-010](#) and Section [14.08.010](#) shall control.

(d) Location.

(1) ~~No more than one distinct marijuana business shall be located within a single structure.~~

(21) 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.

(32) 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.

(43) Marijuana facilities shall not be located in mobile or temporary structures.

(54) 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.

(6a) One marijuana retail facility will be allowed in each separate area of the city zoned for retail marijuana sales (e.g., Commercial District, Light Industrial and General Industrial) citywide, subject to the restrictions of this section, but in no instance will the city license more than the three separate retail marijuana facilities to operate within city limits at any time; OR

(6b) Marijuana retail facilities must be separated from other marijuana retail facilities by a minimum of 1,000 feet, subject to the restrictions of this section; OR

(6c) Total number of retail locations will be per allocation of the Liquor and Cannabis Board, but in no instance will the city license more than the three separate retail marijuana facilities to operate within city limits at any time.

LIQUOR AND CANNABIS BOARD WILL BE SETTING NEW LIMITS ON RETAIL ALLOTMENTS THAT MAY AFFECT A PREFERRED STRATEGY.

- (e) Size.
 - (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 for State-licensed marijuana production and processing will be limited to ~~10060~~,000 square feet citywide.
 - (3) 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. Applicants must demonstrate that adequate odor control exists on site prior to certificate of occupancy.

- (i) 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.
- (j) All 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.
- (k) Each State-licensed 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. 908, Sec. 8, 2014)

TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES

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	NC4	LB	CBD	MU1	PBD5	SRC	LI	GI	P/SP
27.000	STATE-LICENSED MARIJUANA FACILITIES ²³													
27.100	Marijuana Processing Facility - Indoor Only												<u>PA</u>	<u>PA</u>
27.200	Marijuana Production Facility - Indoor Only												<u>PA</u>	<u>PA</u>
27.300	Marijuana Retail Facility ²⁴												P	P

24. Medical marijuana / cannabis can be sold at licensed retail facilities with endorsements from the Liquor and Cannabis Board pursuant to RCW 69.50.375.