



PLANNING COMMISSION AGENDA

Regular Meeting Date: 05-03-2012

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Community Center
1808 Main Street
Lake Stevens, WA 98258

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**
Approve Minutes
- E. INFORMATION ITEMS**
- F. DISCUSSION ITEMS**
Subarea Update
Medical Cannabis
- G. COMMISSIONERS'S REPORT**
- 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.



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **May 02, 2012**

Subject: **Subarea Plan Update**

Contact Person/Department: **Russell Wright**, Senior Planner; **Karen Watkins**, Principal Planner; and **Rebecca Ableman**, Planning & Community Development Director

SUMMARY:

1. Debriefing on joint meeting discussion on preferred subarea plan alternatives
2. Update on implementation tasks

ACTION REQUESTED OF PLANNING COMMISSION:

No action required by the Planning Commission

BACKGROUND/HISTORY:

1. Staff has briefed the City Council and the Planning Commission on subarea plan activity several times over the last year. At present, staff and the consultant team have developed draft Environmental Impact Statements (DEIS), draft Subarea Plans, and supporting documents for both areas. As you know, City Council must select a preferred alternative to define the development strategy for each subarea that will provide staff with a framework to complete the subarea planning process. At the April 23, 2011 joint meeting, City Council and the Planning Commission discussed the subarea plan alternatives with a goal of identifying a preferred alternative. At this meeting, staff addressed the Plan Objectives, Land Use Alternatives, Market Analysis, Preliminary Revenue Forecast, Public Comments, and Capital Improvements. There was limited discussion on the pros and cons of each alternative by City Council and the Planning Commission. However, there were questions related to the market analysis, service levels, and the potential fiscal and capital impacts of the subarea plans. Ultimately, City Council wanted additional information before selecting a preferred alternative.
2. Staff has also been developing several of the implementation documents for the subarea plans including draft zoning regulations and design guidelines. Attached for your information and comment are the outlines for the combined zoning regulations and design guidelines. The goal of providing these documents tonight is to alert Commission members to the content of the draft regulations and guidelines that will implement the subarea plans. Staff will provide the Planning Commission with full copies of these documents after the City Council selects a preferred alternative to ensure the draft documents reflect the selected alternatives or alternative elements.

DISCUSSION:

1. Staff wanted to provide the Planning Commission with another opportunity to comment on the proposed land use alternatives for both subareas in light of the presentation and discussion from the joint meeting. Staff will be returning to Council on May 7, 2012 to answer unresolved questions and would like to bring final comments from commissioners at that time.
2. Staff would like the Planning Commission to comment on the content of the outlines for the zoning regulations and design guidelines.

ATTACHMENTS

1. Zoning Regulations Outline
2. Design Guidelines Outline

ATTACHMENT 1: ZONING REGULATIONS OUTLINE

- I. **Adoption of Subarea Plans** – this section would identify the subareas, adopt new zoning districts into the official zoning map & establish the authority to regulate the subarea zoning districts
- II. **Zoning Districts** – this section would identify the purpose of the new subarea zoning districts, principal uses, secondary uses, and special regulations.
 - A. *Business District* – the purpose of this district is to promote community and regional employment.
 - B. *Commercial District* – the purpose of this district is to accommodate the high-intensity retail needs of the community and regional market.
 - C. *Main Street District* – the purpose of this district is to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small to mid-sized businesses along with high-density residential uses.
 - D. *Mixed-Use Neighborhood* – 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.
 - E. *Neighborhood Business* – the purpose of the NB district is to provide convenience goods, services, and opportunities for smaller scale shopping centers near neighborhoods that cater to pedestrians and commuters.
 - F. *Other zones* – the subareas will also use some existing zones with potential modifications including the *Public/Semi-Public zone*, *High-Urban Residential zone*, and *Urban Residential zone*.
- III. **Prohibited Uses** – the intent of this section would be to restrict uses, such as adult entertainment, heavy industrial uses, and intensive storage uses that do not support the primary purpose of the subarea plan.
- IV. **Dimensional Standards** – this section would establish the bulk requirements (e.g., height, setbacks, landscape buffers, etc.) for the subarea districts.
- V. **Development Intensity** –
 - A. This section would establish the floor to area ratio for different subarea districts. Floor to area ratio expresses the relationship between lot area and a building's total floor area
 - B. This section would provide bonus incentives to increase the maximum floor area ratio for Public Plazas, Structured Parking, Low Impact Development, Contribution to Off-Site Public Spaces, and Affordable Housing.
- VI. **Parking Regulations** –
 - A. This section would establish new parking ratios for the subarea that reflect the goals of promoting pedestrian access, public transit, and economic development based on the proposed land use.
 - B. This section would consider modifications to the required parking ratios for off-site parking, on-street parking, shared parking, etc.
 - C. This section would establish regulations for the physical configuration of parking lots including dimensions and screening.
- VII. **Landscaping** – this section would provide the landscape requirements for parking lots and perimeter buffers as well as maintenance requirements.
- VIII. **Lighting Standards** this section would provide the lighting standards referencing light levels, energy conservation, screening, and height.
- IX. **Street Standards** – this section would reference the street networks from the subarea plans and provide direction on block lengths and overall configuration.

- X. **Signs** – this section would establish the sign regulations for wall signs, suspended signs, and freestanding signs within the subarea districts.
- XI. **Design Standards and Guidelines** – this section would adopt the subarea Design Guidelines into the zoning code by reference.
- XII. **Planned Action and Mitigation** –
 - A. This section would designate the rules and procedures for projects to qualify as planned actions under the Final Environmental Impact Statement.
 - B. This section would identify the noticing and review procedures for planned actions.
 - C. This section would identify the project thresholds and mitigation requirements for planned actions.

ATTACHMENT 2: SUBAREA DESIGN GUIDELINES OUTLINE

I. Explanation of Design Guidelines

- A. *What are Design Guidelines?* Express vision for physical appearance of specific land uses or areas
- B. *Where do the Design Guidelines Apply?* New construction and substantial alterations within subareas
- C. *Structure of Design Guidelines* - Provide common design elements pertinent to subarea districts
- D. *Application of Design Guidelines* - Provide best practices to assist development projects within the subarea have a distinctive character and meet the City's vision.
- E. *Overall Intent* - Encourage and direct the development and redevelopment of properties over time to create a "village" character with unique, high-quality site and building design.

II. Site Orientation and Design

- A. *Pedestrian Orientation & Streetscape* – Intent is to ensure buildings contribute to liveliness of streets and enhance community character and pedestrian environment.
 - 1. Pedestrian oriented zone – provide pedestrian area behind sidewalk and edge of building
 - 2. Street landscaping – provide landscaping along street
 - 3. Setbacks – pulled up to sidewalk or setback from adjacent use
 - 4. Drive-thru uses – side or rear of building
- B. *Architectural Landmarks & Gateways* – Intent is to promote distinctive and cohesive civic identity through landmark structures on key intersections of commercial areas.
 - 1. Structure – intersection of two arterial streets or arterial and collector development should have enhanced design to serve as architectural landmark.
 - 2. Landscaping – incorporate distinctive landscape elements at gateway intersections
- C. *Plazas, Courtyards, & Seating Areas* – Intent is to provide friendly pedestrian environment by creating variety of usable and interesting open spaces within private development.
- D. *Lighting* – Intent to ensure street and site lighting throughout subarea enforces design concept and contributes to character of streetscape without disturbing adjacent developments and residences.
- E. *Curb Cuts, Crosswalks & Intersection Treatments* – Intent to enhance pedestrian safety by consolidating driveways, while providing for adequate vehicular and service access.
- F. *Pedestrian Connections* – Intent to create a network of safe and attractive linkages for pedestrians connecting buildings, pedestrian spaces and parking areas.
- G. *Parking Lots* – Intent to reduce visual impact of parking lots through use of landscaping and/or architectural feature, while maintaining pedestrian visibility and security; and encourage use of parking structures.
- H. *Screening of Trash & Service Areas* – Intent to screen trash, service, utility and mechanical areas from public view in pedestrian or residential areas.

III. Building Design

- A. *Primary Orientation* – towards street to strengthen pedestrian-oriented environment and street front pattern
- B. *Gateway Building Treatments* – edges of contiguous commercial areas or corners of major intersections
- C. *Ground Level Details* – Intent to enhance building facades and entrances to increase visual ground-

level appeal; ensure entrances and primary facades are easily identifiable, protected and accessible from streets, sidewalks and parking areas; and provide visual connection between activities inside and outside buildings.

1. Entrances
 2. Weather Protection
 3. Façade Details
 4. Blank Wall Treatments
- D. *Massing & Articulation* – Intent to reduce apparent bulk of buildings and facades and maintain human scale architecture.
- E. *Architectural Character* – Intent to provide well-designed, detailed buildings using high-quality materials highlighting subtle and refined design elements; present a distinct profile and appearance; and enhance character of district.
1. Design Concept
 2. Building Materials
 3. Windows'
 4. Rooflines
 5. Screening Rooftop Equipment
- F. *Signs* – Intent to encourage creative and unique sign design to ensure signs complement and strengthen pedestrian realm and are not principally oriented to automobile traffic.
1. Creativity
 2. Freestanding Signs
 3. Pedestrian-Oriented Signs
- IV. **Multifamily Neighborhood Design Guidelines** – Intent to reinforce residential character of multifamily developments through creating of pedestrian friendly and usable areas such as plazas, courtyards and other outdoor spaces with robust landscaping.
- A. *Site Design* – includes orientation, landscaping and outdoor spaces
- B. *Parking* – Intent to reduce impact of parking facilities on streetscape and neighboring properties
- C. *Building Design* – Intent to maintain residential scale and character of neighborhoods and project an image of quality.
1. Pitched Roof Forms
 2. Design to Increase Privacy
 3. Architectural Character & Scale
- V. **Glossary & Definitions**



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **May 02, 2012**

Subject: **Medical Cannabis LS2011-7**
Contact Person/Department: **Russell Wright**, Senior Planner

SUMMARY:

Briefing on proposed Medical Cannabis regulations

ACTION REQUESTED OF PLANNING COMMISSION:

No action required by the Planning Commission

BACKGROUND/HISTORY:

The Lake Stevens City Council adopted a six-month moratorium on July 11, 2011 temporarily restricting the formation of medical cannabis (marijuana facilities). Council extended the moratorium in January 2012 for an additional six months.

In 1998, Washington voters passed Initiative 692, the Medical Marijuana Act, which allows qualifying patients suffering a terminal or debilitating medical conditions to use medical marijuana to treat medical conditions. The State Legislature recently passed ESSB 5073, in part, to address the proliferation of dispensaries and regulate the legal possession and distribution of medical cannabis by qualifying patients and designated providers.

The codified portions of ESSB 5073 allow qualified patients and designated providers to participate in collective gardens to produce medical cannabis. A qualifying patient is a Washington resident 18 or older, with a diagnosed terminal or debilitating medical condition, who may benefit from the medical use of cannabis, as advised by a health care professional. A copy of the patient's proof of identity must be available at the collective garden. The following state rules apply to collective gardens:

- 10 qualifying patients may participate in a single garden;
- 15 plants per patient, up to a maximum of 45 plants in a single garden; and
- 24 ounces of usable medical cannabis per patient, up to a total of 72 ounces at a single garden.

Because collective gardens are currently the only legal way for most qualifying patients to obtain medical cannabis, the city is proposing zoning regulations related to the formation of collective gardens. The draft regulations include the following elements:

- Limiting garden locations to the industrial zoning districts;
- Requiring gardens to be indoors;
- Requiring minimum spacing between gardens;

- Requiring minimum distances between collective gardens and residential areas, schools, daycares and other similar uses; and
 - Requiring a safety license for establishing the garden
-

DISCUSSION:

The purpose of tonight's discussion is to brief the Planning Commission on these proposed regulations. Staff will relay in comments from the Planning Commission to City Council prior to scheduling a public hearing. City Council will hold a public hearing over the proposed regulations in June.

ATTACHMENT:

Attachment 1 – Draft Code Amendments

Attachment 2 – Draft Overlay Map

Section 1. Section 14.08.010 LSMC Definitions - Amended. The City hereby adds the following definitions to LSMC 14.08.010 – Definitions:

“Marijuana” or “cannabis” means all parts of the plant cannabis, whether growing or not.

“Medical cannabis collective garden” or “collective garden” means any place, area or garden where qualifying patients share responsibility and engage in the production, processing, and delivery of cannabis for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein.

“Usable cannabis” means dried flowers of the Cannabis plant having a tetrahydrocannabinol (THC) concentration greater than three-tenths of one percent per weight or volume. Usable cannabis excludes stems, stalks, leaves, seeds and roots. For purposes of this subsection, “dried” means containing less than fifteen percent moisture content by weight.

“Youth-oriented facility” means facilities owned or operated by non-profit organizations for the purpose of providing recreational and/or educational opportunities for youth, including but not limited to, Boys & Girls Clubs, little league baseball and other youth sports associations.

Section 2. LSMC 14.16A.210 Types of Review – Amended. The City hereby amends Table 14.16A-I: Classification of Permits and Decisions to include Medical Cannabis Collective Gardens as a Type II permit.

Section 3. Chapter 14.40 LSMC Permissible Uses – Amended.

- A. The City hereby amends Table 14.40-I: Table of Permissible Uses By Zones to include the use category **Medical Cannabis Collective Garden** as Use No. 14.500, as an allowed use in the General Industrial and Light Industrial zoning districts.
- B. The City hereby adds note No. 14, to the proposed Medical Cannabis Collective Garden category, to read as follows:

14. All Medical Cannabis Collective Gardens shall meet the development standards provided in Chapter 14.44 LSMC Supplementary Use Regulations, Part V Medical Cannabis Collective Garden Regulations.

Section 4. Chapter 14.44 LSMC Supplementary Use Regulations, Part V Medical Cannabis Collective Garden Regulations – New.

The City hereby establishes Part V Medical Cannabis Collective Garden Regulations to Chapter 14.44 LSMC Supplementary Use Regulations, as part of the Lake Stevens Municipal Code to read as follows:

Sections:

14.44.010 Authority

14.44.020 Definitions Adopted

14.44.030 Location and Visibility

14.44.040 Public Safety and Welfare

14.44.010 Authority

The City of Lake Stevens adopts this chapter pursuant to Chapter 69.51A of the Revised Code of Washington (RCW) Medical Cannabis. This chapter contains the City's procedures and policies, which applicants must use in conjunction with Chapter 69.51A RCW or as amended. All collective gardens shall

meet all state requirements, including but not limited to, limitations on number of members, number of plants, amount of usable cannabis on site, and maintenance of each member's valid documentation of qualifying patient status.

14.44.020 Definitions Adopted

The City hereby adopts those definitions and meanings related to medical cannabis and collective gardens set forth in RCW 69.51A.010, or as amended.

14.44.030 Collective Garden Requirements

- (a) No more than one collective garden shall be located on a single parcel.
- (b) No more than one collective garden shall be located in a single structure.
- (c) Each collective garden shall have a waiting period of thirty days from the time that any qualifying patient's or designated provider's membership ends and a new qualifying patient's or designated provider's membership begins.
- (d) Collective gardens shall be located fully within a legal permanent structure that complies with the City's adopted building and fire codes regardless of the size or configuration of the structure.
- (e) No collective garden shall be located in a mobile structure.
- (f) No collective garden or medical cannabis operation shall be located within 500 feet, measured in a straight line from property boundary to property boundary, of the following facilities or established uses:
 - (1) Another collective garden;
 - (2) Public park (excluding the Centennial Trail);
 - (3) Community center;
 - (4) Elementary or secondary school (public and private);
 - (5) Day care center; and
 - (6) Youth-oriented facility.
- (g) No collective garden or medical cannabis operation shall be located within 100 feet, measured in a straight line from property boundary to property boundary of a residential or mixed-use zoning district.
- (h) No production, processing or delivery of cannabis shall be visible to the public from outside of the structure.

14.44.040 Public Safety and Welfare

- (a) Collective garden operators and participants shall operate the collective garden in compliance with all adopted public safety and development regulations.
- (b) Collective garden operators and participants shall handle all fertilizers, chemicals, gases and other hazardous materials in compliance with all applicable local, state and federal regulations. Collective garden operators and participants shall not allow fertilizers, chemicals, gases or

hazardous materials to enter a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the garden is located.

- (c) Collective garden operators and participants shall not allow any odors to migrate beyond the interior portion of the structure where the garden is located.

14.40.050 Licenses and Approvals

- (a) The collective garden operator shall obtain a Certificate of Occupancy prior to the start of operations of any medical cannabis collective garden.
- (b) The collective garden operator shall obtain a Medical Cannabis Collective Garden Safety License pursuant to Chapter 4.70 LSMC prior to the start of operations of any medical cannabis collective garden.

Section 5. LSMC 4.70 – Medical Cannabis Collective Garden Safety License - New. The City hereby establishes Chapter 4.70 LSMC entitled Medical Cannabis Collective Garden Safety License as part of the Lake Stevens Municipal Code to read as follows:

Sections:

4.70.010 Purpose

4.70.020 License Required

4.70.030 Application and Fee

4.70.040 Renewal

4.70.050 Revocation

4.70.060 Appeal and Hearing

4.70.010 Purpose

The purpose of the Medical Cannabis Safety License is to ensure the collective garden is:

- (a) Operated in a manner that protects the public’s safety, health and general welfare; and
- (b) Located in a structure that can safely accommodate the use and that has adequate mechanical systems and utilities for the use;

4.70.020 License Required

- (a) The collective garden operator shall obtain a Medical Cannabis Collective Garden Safety License prior to the start of operations of any medical cannabis collective garden.
- (b) The license must be on display on the premises at all times.

4.70.030 Application and fees

- (a) The City shall require fees as set forth by resolution for its activities in accordance with provisions of this chapter. The City Council may amend fees at any time by resolution.
- (b) Issuance of the license shall occur only after an inspection of the site by necessary staff that may include, but not limited to the Planning, Building, Public Works, and Police departments and the Lake Stevens Fire District to verify that the collective garden has met the requirements of the municipal code, building code, fire code, and other applicable regulations.

- (c) If more than one site inspection is required to obtain approval, the garden operator or project proponent shall pay an additional inspection fee, as established by City Council resolution, before the City issues the license.
- (d) If all requirements for approval are satisfied, the City shall issue the Medical Cannabis Collective Garden Safety License prior to start of operations.

4.70.040 Renewal

- (a) The collective garden operator shall renew the Medical Cannabis Safety License annually. License renewal applications shall include the following information:
 - a. Completed renewal application form;
 - b. License renewal fee as established by City Council resolution; and
 - c. Contact person name, address, telephone number;
- (b) Necessary staff that may include, but not limited to, the Planning, Building, Public Works, and Police departments and the Lake Stevens Fire District will conduct an annual inspection of the facility, before the City approves the renewal, to ensure that the collective garden continues to meet all applicable state and local requirements for a medical cannabis collective gardens.

4.70.050 Revocation

If the license holder creates or allows a violation of any Lake Stevens Municipal Code, the applicable department director may immediately suspend said license or permit until the license holder corrects the violation. The City may permanently revoke a license or permit for subsequent or on-going violations, or failure to correct violations.

4.70.060 Appeal and hearing

Any person aggrieved by the action of the City in denying, refusing to renew, or revoking any license under this chapter shall have the right to appeal such action following the procedure set forth in LSMC 14.16B.710

