

1. Agenda

Documents:

[4-12-18 AGENDA.PDF](#)

2. Meeting Materials

Documents:

[ITEM 2.PDF](#)

[ITEM 3.PDF](#)

[ITEM 4.PDF](#)



City Council Committee Meeting Agenda

Community & Economic Development Committee

Stanwood-Camano School District
Administration Building Board Room
26920 Pioneer Highway, Stanwood

Thursday April 12, 2018 6:00 PM

1. Election of Chair
2. New Retail Recreational Marijuana Rules
3. Miscellaneous Code Edits to Title 16 and 17
4. Mineral Point Phase II – Final Plat



**CITY OF STANWOOD
COMMUNITY DEVELOPMENT COMMITTEE
AGENDA STAFF REPORT**

ITEM NUMBER: 2

DATE: April 12, 2018

SUBJECT: New Retail Recreational Marijuana Rules

CONTACT PERSON: Ryan C. Larsen, City Administrator/Community Development Director

ATTACHMENTS: A. Ordinance 1456 – Retail Marijuana
B. Map of setbacks (2 maps)

ISSUE

The issue before the Community Development Committee is to review code changes to allow for retail marijuana sales within Stanwood and Planning Commission's recommendation.

RECOMMENDATION

1. Review and discuss proposed rules for retail recreational marijuana sales and Planning Commission's recommendation.
2. Support moving forward with 1st reading of Ordinance 1456.

SUMMARY STATEMENT

The majority of City Council at their first meeting of the year (January 11, 2018) asked staff to draft rules allowing for sale of marijuana. Based on this direction from City Council staff is providing the following staff report to implement City Council's direction.

Senate Bill 5052 tasked the Washington State Liquor and Cannabis Board (WSLCB) to reopen licensing for retail marijuana businesses. The WSLCB began accepting new applications for retail licenses on October 12, 2015 and to allow retailers to receive a medical marijuana endorsement. The WSLCB understands that some cities may be concerned about density and other issues related to the number of potential retail marijuana licensees. However, local authorities may choose to make rules or ordinances to address these concerns.

House Bill 2136 allows local authorities to permit the licensing of premises within 1,000 feet but not less than one hundred feet of a restricted entity by enacting an ordinance authorizing such distance reduction. Cities may now choose to adopt buffer zones that are less than one thousand feet from places like parks, transit centers, and childcare facilities. House Bill 2136 provides the following caveats:

- Elementary/secondary schools and playgrounds must remain 1,000 feet from licensed premises.
- City and county distance reductions cannot negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.
- A local authority ordinance permitting the licensing of a location within 1,000 feet of a restricted entity may require the applicant to notify the restricted entity the applicant's intent to open.

House Bill 2136 does not address whether or not a city can restrict the retail sales to solely a medical marijuana endorsement. Senate Bill 5052 is the Cannabis Patient Protection Act, and seeks to clarify and reconcile Washington State's medical and recreational marijuana laws. Some highlights are;

- Establishes the liquor control board as the agency to oversee both recreational and medical marijuana and changes the name to Liquor and Cannabis Board.
- Creates a medical marijuana endorsement to be made available to a marijuana retail licensee. Medical marijuana endorsement stores must carry products identified by the Department of Health as beneficial to medical marijuana patients.
- Regulates medical use of marijuana through the same structure as established by Initiative 502 (legalizing recreational marijuana).
- Clarifies what medical conditions qualify for medical use marijuana.

The Commission held a public hearing on March 26, 2018, at which time the Commission recommended moving the proposed language to City Council without a proposed recommendation. The motion from the Commission passed. Also, there were several members of the community in the audience. The majority of them spoke in opposition to the proposed change.

DISCUSSION

Below is a list of issues to discuss for the Community Development Committee on recreational marijuana.

Number of Businesses

There are three types of potential I-502 businesses: Producers, processors and retailers. A retailer cannot be a producer or a processor, and a retail operation cannot take place in the same location as a producer or processor. However, a producer and a processor may co-locate in the same place.

There is no limit on the number of producers or processors that may choose to locate in a jurisdiction. The actual number in each jurisdiction will depend upon the number of applicants who meet the requirements of the WSLCB and the local jurisdiction.

The state has established a limit on the number of I-502 retail locations in each jurisdiction.

Location

One of the big changes to the rules is the allowance for reduced buffer setbacks. RCW 69.50.331 allows a city to reduce buffers from 1,000-feet to not less than 100-feet for recreation center or facility, child care center, public park, public transit center*, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older. Staff has produced a map showing recommended buffers in Attachment B.

* It should be noted the City currently does not have any public transit centers or game arcade admission to which is not restricted to persons aged twenty-one years or older.

Helpful RCW and WAC sections:

RCW 69.50.331

Application for license.

(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an

elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

WAC 314-55-010

(4) "Child care center" means 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.

(11) "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

(26) "Public transit center" means 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.

(27) "Recreation center or facility" means 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.

City staff created a map representing the 1,000 foot separation distances from such uses and the WSLCB has clarified that "The distance shall be measured as the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older". The map indicates that several locations may be viable to locate such facilities with the City.

Potential Impacts to City Services

State rules for I-502 regulate the majority of activities that are related to recreational marijuana businesses. I-502 does not specifically address impacts to City services such as traffic or utilities. However, I-502 prevents waste disposal from entering public utilities and specifically regulates how waste shall be transported from the facility to another location.

For the purposes of water and sewer use, retail businesses would not be required to provide an estimate of water and sewer use. Instead the City would utilize existing Equivalent Residential Unit Calculations for retail businesses to determine the appropriate sanitary sewer General Facilities Fee.

For traffic impacts staff recommends using existing traffic impact fees established for retail business for retail sales of marijuana.

Odor

Marijuana can and does produce an odor during its life cycle. Some cities have taken the approach to regulating this through the new regulations within the proposed recreational marijuana regulations. They have accomplished this by considering the smell to be a nuisance and regulating for the installation of ventilation within the facility.

Other Topics

Another questions is to where to permit these types of facilities. Staff is suggesting allowing retail use within the Mainstreet Business I and II and in the General Commercial zones. Some cities are allowing for the retail use within industrial type zones and not allowing them within any of their retail zones. Also, we are suggesting to make them an administrative conditional use permit within the zone.

The final area staff would like to draw attention to is that staff is proposing to have all marijuana uses located within a closed facility. This would assist in ensuring greater protection of the facility. The drafted rules only allow for the retail sale of marijuana in the City.

Here are a few highlights from the set of rules affecting retail sales of marijuana:

- Marijuana retailers may not locate within one thousand feet of any parcel containing an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.
- Marijuana retailers may not locate within two thousand five hundred feet of any other legally established marijuana retailer whether said marijuana retailer is within the City limits or not.
- Customer parking for marijuana retailers must be on the public street side of the structure.
- Vehicular access to the parking lot for a marijuana retailer shall be from the public street frontage and may not be from an alley
- Marijuana retailers shall not be allowed on any parcel that is contiguous to a parcel containing residential use.
- The Community Development Director shall have the authority to require improvements.
- The front facade of marijuana retail stores shall consist of storefront window(s), doors, and durable, quality building materials consistent with the design standards of the zone in which the property is located.

- Design standards could apply if located in a zone that does not have them.
- The maximum number of retail marijuana stores allowed in the City of Stanwood shall not exceed two.

The Planning Commission reviewed this issue at their February 26, 2018 meeting. There were several community members in attendance and the majority of speakers spoke in opposition to the change. At the end of the meeting the Commission discussed the proposed language. The Commission seemed to indicate that they only wanted to review the issue of retail sales and not the processing or production of marijuana. Also, the Community Development Committee reviewed the proposed language at their March 8, 2018 and suggested as well to only move forward with retail sales.

The Planning Commission at their public hearing on March 26, 2018 reviewed language for only allowing retail marijuana sales in Stanwood and did not consider any language around processing and/or production of marijuana. Again, at the public hearing a majority of individuals who spoke, spoke in opposition to allowing retail marijuana sales.

One of the biggest topics discussed surrounded a potential location for a retail shop. Many of the speakers expressed concern that the retail shop would end up on mainstreet zoning (MB I or MB II). Some speakers suggested limiting a potential retail shop to the industrial zone(s) rather than downtown if the retail shop was going to be permitted by Council. Also, there were concerns over potential sign size and location as well as potential color of the building. Council could consider listening to the public on this matter then make any suggested edits prior to having first reading of the ordinance. Staff has provided two recommended motions to consider.

FINANCIAL IMPACT

New Legislation Provides Shared Single Excise Tax

The taxation of marijuana was overhauled by the 2015 legislature by passage of 2E2SHB 2136 (hereafter referred to as HB 2136). The original marijuana initiative, I-502, did not provide for any portion of the excise tax on licensed marijuana to be shared with local governments.

Starting in June of 2015 the taxation of marijuana changed from an excise tax of 25% at three different phases (production, processing and retail sale) to a single excise tax of 37% at the time of retail sale – and, significantly, the excise tax will be shared with cities and counties.

Distribution of Tax Revenue

During fiscal years 2016 and 2017, the state will distribute \$6 million to cities and counties that have licensed retail marijuana stores within their jurisdiction. In 2018, the amount distributed, pursuant to a distribution formula, will start to increase, but again be limited to those cities and counties that have licensed retail marijuana stores within their borders. Counties will receive 60% and cities will receive 40% of the distribution.

Distribution will be based on taxable sales of the jurisdiction. For cities, only jurisdictions with retail sales will receive funding.

Beyond 2017, once the state General Fund has received \$25 million in marijuana excise tax revenue, then 30% up to a maximum of \$20 million per year will be distributed to cities and counties.

- 30% must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected from the licensed marijuana retailers physically located in each jurisdiction.
- Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive 60% of the distribution, which must be disbursed based on each county's total proportional population. Funds may be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.
- The total share of marijuana excise tax revenues distributed to counties and cities may not exceed fifteen million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter.

Retail Sales Tax

Medical Marijuana Exemption

The normal retail sales tax for each jurisdiction has always applied to retail sales of marijuana at licensed stores, and that was not changed, but HB 2136 provides that, starting in July of 2016, the retail sales tax will not be applied to retail sales of medical marijuana to “qualifying patients or designated providers who have been issued recognition cards.”

Retail Sales and Tax Revenue Projections

Retail sales at licensed marijuana stores are projected to increase, but any projections of tax revenue to be distributed to cities and counties are merely speculation at this point. However, city staff has contacted several cities and have found a range of approximately \$25,000 to \$45,000 annually.

Since part of the distribution is based on excise tax collected from retail stores within each jurisdiction, the amount distributed to each city and county will depend upon the volume of sales from retailers within their jurisdiction.

Marijuana excise tax distribution increasing 2018

Cities that receive a distribution from the Liquor and Cannabis Board (LCB) for the sale and distribution of marijuana will see an increase in the distribution. The adopted supplemental budget increased the maximum amount to be distributed to cities and counties from \$6 million per fiscal year to \$15 million per fiscal year.

COMMITTEE RECOMMENDATIONS

- 1) Support the proposed ordinance for edits to Title 17 affecting retail sale of marijuana to City Council.
- 2) Do not support the proposed ordinance for edits to Title 17 affecting retail sale of marijuana and direct staff to provide alternative language to consider for a recommendation to City Council.
- 3) Recommend denial of the proposed ordinance for edits to Title 17 affecting retail sale of marijuana to City Council.

RECOMMENDED ACTION

No recommendation provided.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1456

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING PORTIONS OF STANWOOD MUNICIPAL CODE TITLE 17 ENTITLED ZONING AND RELATING TO DEVELOPMENT REGULATIONS BY AMENDING STANWOOD MUNICIPAL CODE (SMC) 17.30.010 ENTITLED "PERMITTED LAND USES AND ESTABLISHED CLASSIFICATION OF USES"; AMENDING SMC 17.30.040 ENTITLED "ZONING USE TABLE"; AMENDING SMC SUBSECTION 17.80.120(11);AMENDING SMC 17.100.045 ENTITLED "CONDITIONS FOR PERMITTING MEDICAL MARIJUANA COLLECTIVE GARDENS"; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, under the State Growth Management Act (GMA), the City is authorized to adopt zoning code amendments to implement its Comprehensive Plan; and

WHEREAS, amendments to the zoning code are required to ensure consistency with the Comprehensive Plan; and

WHEREAS, the development regulation amendment procedures contained in this ordinance are consistent with the procedural guidelines for amendments to the development regulations of the City; and

WHEREAS, on February 26, 2018 the Stanwood Planning Commission reviewed the amendments set forth in this Ordinance during the amendment process; and

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on March 13, 2018; and

WHEREAS, on March 26, 2018, following notice as required by law, a public hearing was held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard; and

WHEREAS, public notice of the SEPA DNS and the above-referenced public hearing were provided as required by law; and

WHEREAS, the City Council Community Development Committee reviewed the proposed language and amendments set forth in this Ordinance at their March 8, 2018

meeting and reviewed the Planning Commission's recommendation for the proposed edits to Title 17 relating to marijuana retail sales at their April 12, 2018 meeting; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission at their April 12, 2018 regular meeting; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code and requested expedited review of the amendments set forth in this Ordinance; and

WHEREAS, the City Council has determined that it is in the best interests of the City and in the interest of the public health, safety and welfare of the City and its citizens to amend Title 17 relating to marijuana retail sales to authorize the retail sale thereof, as further set forth in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 17.30.010 is hereby amended to read as follows:

17.30.010 Permitted land uses and established classification of uses.

(1) No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than is permitted pursuant to this section in the district in which the building or structure or land is located; provided, that such regulations shall not prohibit the continuance of an existing use.

(2) Land Use Classifications Established. This section establishes permitted, conditional, accessory and prohibited uses for all properties within the city limits. All uses in a given zone are one of the following five types:

(a) Permitted Use. Land uses allowed outright within a zone. The specific types of permitted uses are set forth in the zoning code chapters for each zoning district.

(b) Conditional Use. Uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to review by the hearing examiner to establish conditions to protect public health, safety and welfare. The specific types of conditional uses are set forth in SMC 17.30.040, Zoning use table, and/or SMC 17.30.050, Zoning use conditions.

(c) Administrative Conditional Use. Uses with special characteristics that may not be generally appropriate within a zoning district but may be permitted subject to review by the community development director to establish conditions to protect public health, safety and welfare. The specific types of administrative conditional uses are set forth in SMC 17.30.040, Zoning use table, and/or SMC 17.30.050, Zoning use conditions.

(d) Accessory Use. Uses customarily incidental and subordinate to the principal use and located upon the same lot occupied by the principal use. Accessory uses are determined by the community development director or designee on a case-by-case basis.

(e) Prohibited Use. Any use which is not specifically enumerated or interpreted by the city as allowable in that district. Any use not specifically listed as a permitted, conditional, or accessory use is prohibited, except those uses determined to be unclassified and permitted by the community development director pursuant to SMC 17.30.020. Any prohibited use is illegal and is subject to civil or criminal penalties under Chapter 13.01 SMC.

~~(i) Initiative 502 (I-502) attempts to legalize recreational use of marijuana; however, the city of Stanwood prohibits the following under I-502:~~

~~(A) State licensed marijuana processors and producers are prohibited within any zone in the city of Stanwood.~~

~~(B) State licensed marijuana retailers are prohibited within any zone in the city of Stanwood.~~

(f) Unclassified Use. A use which is not a permitted use, a conditional use, or an accessory use, but which is interpreted by the community development director as similar to a permitted, conditionally permitted, or accessory use and not otherwise prohibited, pursuant to SMC 17.30.020. (Ord. 1376 § 6, 2014; Ord. 1294 § 10, 2011).

Section 2. SMC Section 17.30.040 entitled “Zoning Use Table” sections for “Personal Service” and “Retail Trade Establishments” only are hereby amended to read as follows (all other provisions of SMC Section 17.30.040 entitled “Zoning use table” remain in effect and unchanged):

17.30.040 Zoning use table

KEY:

Blank = Not Permitted

AC = Accessory Use

ADC = Administrative Conditional Use

C = Conditional Use

P = Permitted Use

AEO = Adult Entertainment Overlay

HO = Historic Overlay

TO = Transit Overlay

MPO = Master Plan Overlay

MXO = Mixed Use Overlay

Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN	MB-129	MB- II	NB	GC	LI	GI
Personal Services												
Assisted/independent living					C18	C		P11 P18		P18		
Barber shop, beauty shop					P39MXO	P	P	P	P	P, P39 MXO		P37TO
Daycare center			P12	P12	P12	P12	P12	P12	P12	P12, P39 MXO		P37TO
Daycare, family	AC12	AC12	AC12	AC12	P12		P37TO	P	P12	P12, P39 MXO		P37TO
Daycare, mini				P12	P12	P12	P12	P12	P12	P12, P39 MXO		
Dry cleaner					P39MXO	P35	P	P	P	P, P39 MXO	P	P
Equipment rental								P		P, P39 MXO	P	P

Funeral home							P	P		P, P39 MXO	P	
Health/athletic club					P39MXO		P	P		P, P39 MXO	P	
Janitorial service					P39MXO			P			P	P
Laundromat					P39MXO	P35	P	P	P	P, P39 MXO	P	P37TO
Optician					P39MXO	P	P	P	P	P, P39 MXO		P37TO
Massage clinic/center							P	P		P, P39 MXO		
Medical marijuana collective gardens	-	-	-	-	-	-	ADC	ADC	-	ADC	ADC	-
Photo processing service					P39MXO		P	P		P, P39 MXO	P	
Photocopy/private mail center							P	P		P, P39 MXO		
Printing and publishing					P39MXO		P	P		P, P39 MXO	P	
Private clubs					P39MXO		P	P		P, P39 MXO		
Tattoo parlors					P39MXO			P				P
Travel agencies					P39MXO	P	P	P				
Video sales and rental					P39MXO	P	P37TO	P	P	P, P39 MXO	P37TO	P37TO
Other uses determined to be consistent with the definition of "personal service" as determined in this code							P51HO					

Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN	MB-I29	MB-II	NB	GC	LI	GI
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Retail Trade Establishments												
Agricultural produce stand					P39MXO	P		P	P	P		
Antique shop					P39MXO		P37TO	P		P, P37TO, P39MXO		P37TO
Apparel shop					P39MXO	P	P, P37TO	P	P	P, P37TO, P39MXO		P37TO
Artisan and handicraft studio					P39MXO		P30	P30		P50, P39MXO	P	P
Artist and drawing supply					P39MXO		P	P				
Auto parts					P39MXO			P		P, P39MXO	P22	P22
Bakery					P39MXO		P	P		P, P39MXO		
Book store					P39MXO	P	P, P37TO	P	P	P, P37TO, P39MXO		P37TO
Camera store					P39MXO	P	P37TO	P	P			P37TO
Confectionery shop					P39MXO		P, P37TO	P		P, P39MXO		P37TO
Construction and home building supplies					P39MXO						P22	
Dairy products store							P	P		P, P39MXO		
Electrical and electronic goods					P39MXO		P	P	P	P, P39MXO		
Electrical and plumbing supplies					P39MXO					P, P39MXO	P22	
Farmer's market					P39MXO	P	P	P	P	P	P22	
Feed and farm supply					P39MXO	P		P		P, P39MXO	P	
Flea market					P39MXO							
Florist					P39MXO	P	P37TO	P		P, P39MXO	P37TO	P37TO
Food bank					P39MXO		P34	P34	P34	P34,		

										P39MXO		
Furniture store					P39MXO		P	P	P	P, P39MXO		
Gift shop					P39MXO		P	P		P, P39MXO	P22	
Grocery, convenience					P39MXO	P23		P23	P23	P23	P23	P37TO
Grocery, specialty					P39MXO	P	P	P		P		
Grocery, supermarket					P39MXO			P	P	P		
Home building supplies					P39MXO			P		P, P39MXO		
Household appliances					P39MXO					P, P39MXO	P22	P
Jewelry store					P39MXO		P	P			P22	
Kiosk/vending machine					P39MXO	AC44	AC44	AC44	AC44	AC44	AC44	AC44
<u>Marijuana Retailer</u>							<u>ADC</u>	<u>ADC</u>	-	<u>ADC</u>		
News/magazine stand												
Office furnishings and equipment store							P, P37TO	P		P, P39MXO	P37TO	P37TO
Office supplies					P39MXO			P		P, P39MXO		
Pawnshop					P39MXO		P	P		P, P39MXO		
Pharmacy					P39MXO		P, P37TO	P		P, P39MXO		
Photographic equipment/camera shop					P39MXO		P, P37TO	P		P, P39MXO		
Plant nursery					P39MXO			P		P, P39MXO	P22	
Sporting goods store					P39MXO		P	P		P, P39MXO		
Stationery store					P39MXO			P		P, P39MXO		

Thrift store					P39MXO		P	P		P, P39MXO		
Tobacco shop					P39MXO			P		P, P39MXO		
Other uses determined to be consistent with the definition of "retail trade establishments" as defined in this code							P51HO					

Section 3. SMC 17.80.120(11) is hereby amended to read as follows (All other provisions of SMC Section 17.80.120 entitled “Conditional Use Permit” remain in effect and unchanged):

17.80.120

CONDITIONAL USE PERMIT.

(11) Additional conditions for ~~medical marijuana~~ retailer ~~collective gardens~~ are set forth in SMC 17.100.045. (Ord. 1344 § 5, 2013; Ord. 1294 § 29, 2011; Ord. 1264 § 4, 2010; Ord. 1253 § 19, 2009).

Section 4. SMC 17.100.045 entitled “Conditions for permitting medical marijuana collective gardens” is hereby amended to read as follows:

Chapter 17.100

NONRESIDENTIAL PERFORMANCE STANDARDS

Sections:

17.100.010 Scope.

17.100.020 Categories of use.

17.100.030 Performance standards.

17.100.040 Supplemental standards for drive-through facilities.

17.100.045 Conditions for permitting ~~medical marijuana~~ retailer ~~collective gardens~~

17.100.050 Conditions for permitting ball parks, athletic fields, parks, playgrounds, community centers, houses of worship and meeting halls in residential zones.

17.100.055 Supplemental standards for live entertainment uses.

17.100.060 Conditions for permitting a bed and breakfast in single-family residential zones.

17.100.070 Conditions for permitting schools in single-family residential zones.

17.100.075 Supplemental standards for detached accessory storage.

17.100.080 Temporary uses and structures.

17.100.045 Conditions for permitting ~~medical marijuana~~ retailer ~~collective gardens~~.

An administrative conditional use permit shall be required in order to operate as a marijuana retailer in the City of Stanwood. In order to issue an administrative conditional use permit for a marijuana retailer the Community & Development director shall make all of the findings in subsection (1) of this section in addition to all of the findings in SMC 17.80.120(6), prior to issuing an administrative conditional use permit for medical marijuana collective gardens and shall require the In addition, all standards listed in subsection (2) of this section must also be met prior to issuance of an administrative conditional use permit for these uses a marijuana retailer.

(1) Findings.

(a) The proposed use will be effectively contained and screened by means of fencing and/or landscaping or a combination of fencing and landscaping.

(b) The proposed development or use complies with SMC 17.112.030 and 17.112.040.

(c) The proposed use complies with all required additional standards contained within this Title.

(d) Proof that a license to operate as a marijuana retailer has been issued by the State Liquor and Cannabis Board.

~~(2) Additional Standards. Medical marijuana collective garden facilities shall:~~

~~(a) Be fully within a permanent structure compliant with the city building code and constructed under a building permit from the city regardless of the size or configuration of the structure.~~

~~(b) Have no use, production, processing, delivery or display of marijuana visible to the public.~~

~~(i) Blocked windows by means of paper, wood, or other similar materials shall not be allowed.~~

~~(c) Meet all requirements under E2SSB 5073, including but not limited to limitations on number of members, number of plants, amount of usable cannabis on site, maintenance of each member's valid documentation of qualifying patient status.~~

~~(d) Have an installed and operational security system that is monitored 24 hours a day.~~

~~(e) Restrict hours of operation and/or outdoor activities to increase compatibility with surrounding land uses.~~

~~(f) The following separation standards shall be measured in a straight line from property boundary to property boundary.~~

~~(i) No medical marijuana collective garden shall be located closer than 1,000 feet from any school, day care, community centers, or other youth oriented facility nor shall such collective gardens be located closer than 1,000 feet from one another.~~

~~(3) Time Limit and Renewal. If all requirements for approval are satisfied, the conditional use permit may be issued for a period of one year only with the opportunity for annual renewal. If continued operation is desired, renewal of the administrative conditional use permit shall be required on an annual basis. The permit shall be conditioned such that the location of a new use triggering the separation standards in subsection (2)(f) of this section shall not be grounds for denial of any renewal. (Ord. 1344 § 4, 2013).~~

(2) Retailers. Marijuana retailers may operate in the City pursuant to the following conditions and restrictions:

(a) Marijuana retailers must comply with all requirements of state law, Washington State Liquor and Cannabis Board and the city;

(b) Marijuana retailers may not locate within one thousand feet of any parcel containing an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older;

- (c) Marijuana retailers may not locate within two thousand five hundred feet of any other legally established marijuana retailer whether said marijuana retailer is within the City limits or not;
- (d) Customer parking for marijuana retailers must be on the public street side of the structure in which the marijuana retailer is located and may not be off of or adjacent to an alley. However, staff parking and business deliveries may occur on the alley side of the structure;
- (e) Vehicular access to the parking lot for a marijuana retailer shall be from the public street frontage and may not be from an alley. Any property located on a street from which vehicular access to the site from the street is prohibited shall not be allowed for use as a marijuana retailer;
- (f) Marijuana retailers shall be fully contained within a permanent structure compliant with the city building code and constructed under a building permit from the city regardless of the size or configuration of the structure;
- (g) Marijuana retailers shall have an installed and operational security system that is monitored 24 hours a day;
- (h) Marijuana retailers shall restrict hours of operation to increase compatibility with surrounding land uses from 9:00 am to 9:00 pm daily;
- (i) Marijuana retailers shall not be allowed on any parcel that is contiguous to a parcel containing residential use, unless the Community Development Director, finds all of the following:
- (i) There is a physical separation between the two uses, such as another commercial building, or a substantial change in topography;
 - (ii) The marijuana retail use is located in a shopping center as one of multiple tenants with adequate parking for all uses and access as stated above in (2)(d) and (e);
 - (iii) The building in which the marijuana retail use is located faces the commercial street and the residential use faces a residential street in the opposite direction, without a shared alley between the two;
 - (iv) The residential use is located at least fifty feet from the common lot line between the two uses;
- (j) In reviewing a proposed marijuana retailer use under this section, as a condition of issuance of an administrative conditional use permit, the Community Development Director shall have the authority to require improvements including, but not limited to, fencing and/or landscaping to screen the retail use from the residential use;
- (k) The front facade of marijuana retail stores shall consist of storefront window(s), doors, and durable, quality building materials consistent with the design standards of the zone in which the property is located. Transparency requirements for windows shall apply unless in conflict with Washington State Liquor and Cannabis Board regulations. If located in a zone without design standards, at least three of the following shall be provided:

- (i) Special treatment of windows and doors, other than standard metal molding/framing details, around all ground floor windows and doors, decorative glazing, or door designs.
- (ii) Decorative light fixtures with a diffuse visible light source or unusual fixture.
- (iii) Decorative building materials, such as decorative masonry, shingle, brick, or stone.
- (iv) Individualized patterns or continuous wood details, decorative moldings, brackets, trim or lattice work, ceramic tile, stone, glass block, or similar materials.
- (v) Use of a landscaping treatment as part of the building's design, such as planters or wall trellises.
- (vi) Decorative or special railings, grill work, or landscape guards.
- (vii) Landscaped trellises, canopies, or weather protection.
- (viii) Sculptural or hand-crafted signs.
- (ix) Special building elements, such as pilasters, entablatures, wainscots, canopies, or marquees that exhibit nonstandard designs.
- (x) Other similar features or treatment that satisfies the intent of the guidelines as approved by the city.

(3) Additional Restrictions/Limitations. In addition to the requirements and limitations set forth in subsections (1) and (2) above, marijuana retailers shall be subject to the following:

- (a) The maximum number of retail marijuana stores allowed in the City of Stanwood shall not exceed two.
- (b) Measurements. Distances provided under this section shall be measured as the shortest distance between the perimeters of the parcels at issue.
- (c) Compliance. Marijuana retailers are required to acquire all necessary business licenses and are required to comply with municipal tax regulations and all other applicable city ordinances and regulations.
- (d) Establishment. For purposes of the two-thousand-five-hundred-foot setback between marijuana retailers, marijuana retailers shall be considered to be legally established in the order in which they are issued a City of Stanwood business license. The city will not accept a business license application for a recreational marijuana business prior to the applicant providing the city a copy of a letter from the Washington State Liquor and Cannabis Board indicating that the applicant has been approved for a state-issued recreational marijuana license. The city will process business license applications for recreational marijuana businesses in the order in which they are accepted.
- (e) Inspection. An inspection of the proposed marijuana related use by the City shall be required prior to opening such a use. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marijuana product, and prior to the opening of the business. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation.

(f) Enforcement. Any violation of this section is subject to enforcement under the provisions of Chapter 13.01 SMC or through action of the city attorney seeking injunctive or other civil relief in any court of competent jurisdiction. The violator will be responsible for costs, including reasonable attorney fees.

(4) Any and all permits for the use or construction of facilities to produce, process or sell marijuana in the City of Stanwood shall bear the following warning:

“The production, processing, sale and use of marijuana are a criminal activity under federal law and may subject any person engaging in such conduct to prosecution under federal law. The issuance of this permit by the City of Stanwood carries out a Washington State regulatory scheme, but does not affect the application of federal law to the permittee.”

Section 5. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this ____ day of _____ 2018.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

By: _____
David A. Hammond, City Clerk

APPROVED AS TO FORM:

By: _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date: _____

ATTACHMENT B

1,000 ft Buffer
Schools, Childcare/Preschools and Parks

1,000 Foot Buffer

Schools

Childcare/Preschool

Parks

City Limits

UGA

ZONING OVERLAYS

MPO, Master Plan Overlay

HO, Historical Overlay

TO, Transit Overlay

ZONING

GC, General Commercial

LI, Light Industrial

MB1, Mainstreet Business I

MB2, Mainstreet Business II

N

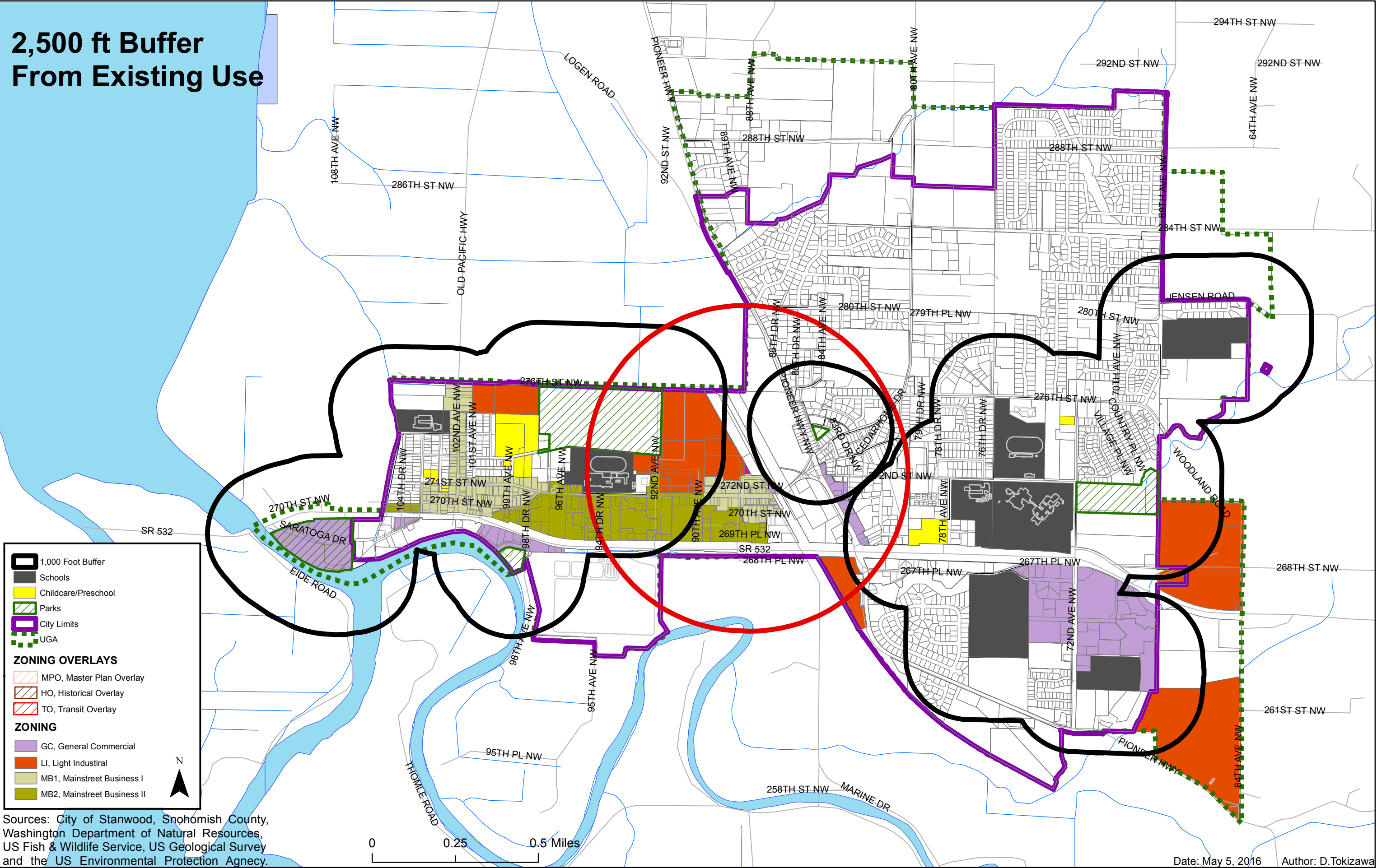
Sources: City of Stanwood, Snohomish County, Washington Department of Natural Resources, US Fish & Wildlife Service, US Geological Survey and the US Environmental Protection Agency.

0 0.25 0.5 Miles

Date: May 5, 2016 Author: D.Tokizawa

ATTACHMENT B

2,500 ft Buffer
From Existing Use





**CITY OF STANWOOD
COMMUNITY DEVELOPMENT COMMITTEE
AGENDA STAFF REPORT**

ITEM NUMBER: 3

DATE: April 12, 2018

SUBJECT: Miscellaneous Code Edits to Title 16 and 17

CONTACT PERSON: Ryan C. Larsen, City Administrator/Community Development Director

ATTACHMENTS: A. Memorandum on Miscellaneous Code Edits to Title 16 and 17

SUMMARY STATEMENT

Attached is a Memorandum related to miscellaneous Code Edits to Title 16 and 17 for committee review.



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-4577

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Community Development Committee

FROM: Ryan C. Larsen, Community Development Director

SUBJECT: Miscellaneous Code Edits to Title 16 and 17

DATE: APRIL 12, 2018

Staff is providing the Community Development Committee with a list of proposed edits staff would like to move forward with to the Planning Commission for review and consideration. Topics include: Final Plat changes; LI and GI zoning purpose statement, Park Open Space changes, separating and making separate ordinances for Parks, Traffic, and Fire Impact Fee, monument signage, edits to reconsideration for hearing examiners decision, and potential need for additional changes to the cell tower rules.

FINAL PLATS

The State Legislature has recently changed the rules surrounding the recording of Final Plats for subdivision. Currently, all final plats for subdivision require City Council approval prior to recording. The rule change now allows for Final Plats to be done administratively. Short Plat (9 lots or less) are already done administratively.

LI and GI ZONING AIR QUALITY, ODOR and DUST

There has been a suggestion to make changes to the LI and GI zone surrounding air quality, odor, and dust. The GI zone is intended for heavy industrial types of uses such as manufacturing and food processing. It was suggested to add the same language contained in 17.50.020 relating to the LI zone to the GI zone.

17.10.020 Purpose and intent of zoning districts

(11) *LI (Light Industrial) Zone*. The general intent and purpose of this zoning designation is to:

- (a) Provide for the development of areas in which certain types of light industrial activities may be located;
- (b) Protect residential and other nonindustrial areas from adverse and damaging impacts emanating from activities in the light industrial area;
- (c) Protect light industrial areas from other uses that may interfere with the purpose and efficient operations in the light industrial areas;
- (d) Provide standards for the development of a light industrial area; and
- (e) Provide for the location and grouping of light industrial enterprises in light industrial parks, and provide for activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing, trucking and certain uses, though perhaps inherently commercial, that are best suited to light industrial areas of the city.

This zone implements the light industrial land use designation of the Comprehensive Plan, and the civic commons overlay.

(12) *GI (General Industrial) Zone*. The purpose of this zoning district is to provide opportunities for major employment areas within the city and to allow heavy industrial uses including manufacturing, warehousing, storage, distribution, food processing, trucking and related uses in locations that are environmentally suitable for these activities. This zone also provides a location for major utilities including the sewage treatment plant. Additionally, this designation provides a location for the adult entertainment overlay. This zone implements the general industrial and the existing public facilities land use designations and the adult entertainment overlay designation in the Comprehensive Plan. (Ord. 1294 § 2, 2011).

The language regarding odor and other issues are contained in the following section below and is only in the LI zone:

Chapter 17.50

ADDITIONAL STANDARDS – LI (LIGHT INDUSTRIAL) ZONING DISTRICT

17.50.020 Prohibited uses

Uses other than those identified or described in SMC 17.30.040 are prohibited, including but not limited to:

- (1) **Air Quality.** No visible or invisible noxious, toxic, or corrosive fumes or gases or particulate emissions, or suspended particles or fugitive dust emissions, shall be discharged into the atmosphere except such as are common to the normal operation of a heating plant or gasoline or diesel engines in cars, trucks, or railroad engines. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides or herbicides on public or private property.

(2) Vibrations. Every use shall be so operated that any air or ground vibration generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond the light industrial zone.

(3) Waste Storage and Disposal. The storage or disposal of industrial waste shall be subject to the regulations of the State Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

(4) Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.

(5) Noise. The noise resulting from any activity other than noise produced by vehicles and other transportation facilities and construction and maintenance of buildings and grounds shall not be audible at any point on or beyond the light industrial zone.

(6) Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the Uniform Building and Fire Codes, SMC Title 14.

(7) Steam. Any use producing humidity in the form of steam or moist air shall be carried on in such a manner that humidity is not perceptible at or beyond the light industrial zone.

(8) Heat. Any use producing heat shall be carried on in such a manner that heat is not perceptible at or beyond the light industrial zone.

(9) Odors. Any use producing odors shall be carried on in such a manner that offensive or obnoxious odor shall not be perceptible at or beyond the light industrial zone.

(10) Glare. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from surrounding areas.

(11) Examples of prohibited uses are:

(a) Animal slaughtering;

(b) Sale of livestock, poultry or similar animals;

(c) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.

SUPPORTING INFORMATION

CITY OF ANACORTES

Chapter 17.15 HEAVY MANUFACTURING USE DISTRICT (HM)

17.15.020 Permitted uses.

Any industrial, research and development, office, repair, warehouse, processing, shipping terminal uses, adult concessions (only located north of S. March Point Road and east of Reservation Road), commercial parking, private parking, and public parking provided that such uses are of such a nature that they do not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts. Retail floor space existing in or adjacent to the HM zone boundary as of May 1, 1995, that is determined to be nonconforming under these regulations may be increased by up to one hundred percent. (Ord. 2881 § 4, 2012; Ord. 2812 § 1 (Att. A), 2010; Ord. 2794 § 1 (Att. A), 2008; Ord. 2614 Att. A (part), 2003; Ord. 2592 App. A

Chapter 17.16 INDUSTRIAL DISTRICT

17.16.020 Permitted uses.

Any industrial, research and development, office, repair, warehousing, processing, and shipping terminal uses, adult concessions, commercial parking, private parking, and public parking provided that such uses are of such a nature that they do not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts. (Ord. 2964 § 4, 2015; Ord. 2888 § 3, 2012; Ord. 2881 § 5, 2012; Ord. 2812 § 1 (Att. A), 2010; Ord. 2794 § 1 (Att. A), 2008; Ord. 2521 Att. A § 3 (part), 2000; Ord. 2353 § 1 (part), 1995; Ord. 2316 (part), 1994)

Chapter 17.18 LIGHT MANUFACTURING USE DISTRICT (LM)

17.18.020 Permitted uses.

Any light manufacturing use or uses involving processing or storage of goods provided the processes or equipment employed, or goods stored, processed or sold shall be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter or water carried waste; marinas together with related uses such as ship buildings, boat repair, boat sales, restaurants and accessory sales; shipping and terminal facilities; commercial parking, private parking, public parking; and parks. Retailing other than accessory sales is not permitted except for neighborhood grocery stores through the conditional use process.

CITY OF LYNNWOOD

21.50.150 PERFORMANCE STANDARDS – LIGHT INDUSTRIAL ZONE.

All environmental or operational characteristics of a permitted use shall comply with the standards established in this section.

A. Noise. The noise emanating from a premises used for industrial activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness and shall not exceed those standards contained in Chapter [10.12](#) LMC.

B. Lighting. Industrial lighting and outdoor lighting shall not be used in such a manner that produces glare on public highways and neighboring highways and neighboring property. See Chapter [21.17](#) LMC, Outdoor Lighting Standards, for specific regulations pertaining to Light Industrial uses. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

C. Fire and Safety Hazards. The storage and handling of inflammable liquids, liquefied petroleum, gases, and explosives shall comply with rules and regulations falling under the jurisdiction of the fire chief, the laws of the state and other local ordinances.

D. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical, electrical, electronic, and nuclear equipment use, or processes with electrical apparatus in nearby buildings or land uses.

E. Odors. The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gases. Dust created by an industrial operation shall not be exhausted or wasted directly into the atmosphere.

F. Smoke or Particulate Matter.

1. The emission of smoke or particulate matter of a density equal to or greater than number three on the Ringlemann Chart, as currently published and used by the U.S. Bureau of Mines, is prohibited at all times.

2. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, oiling or other acceptable means.

3. Emission of particulate matter in excess of 0.2 grain per cubic foot of conveying gas or air measured at any property line is prohibited.

4. The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

G. Liquid and Solid Wastes. Storage of animal or vegetable waste which attracts insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line.

H. Open Storage. All storage shall be located within an area no closer to the street right-of-way line than designated in LMC [21.50.200](#) and shall be enclosed with a heavy wire fence or of a similar type, with the top of the fence not to be less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high.

In case of the open storage of lumber, coal or other combustible material, a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

CITY OF ARLINGTON

• 20.44.208 - Obligation to comply.

(a) All uses in any zoning district must continually comply with the performance/ operation standards of this Part.

(b) If the city has reasonable doubt that a use is, or can be, conducted within the limits of the above performance standards, it may require that the user or proposed user retain, at his expense, an independent, qualified, testing laboratory or expert to make an analysis of the use to determine its compliance with the standards and make the results of such analysis available to the city. If the site operator does not provide the required analysis within thirty days of the request, the city shall initiate such investigation and bill all expenses thereto the site operator, and the operator shall pay the city for such expenses within ten days after demand. The city may place a lien against the property if the operator refuses to pay such expenses within sixty days on receipt of bill.

(Ord. 1309 § 5(part), 2003)

• 20.44.210 - Noise.

(a) No use in any zoning district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the use if that use is one of several located on a lot, or (ii) uses located on adjacent lots.

(b) For the purpose of interpreting Subsection (a), and except as provided in Subsection (d), WAC 173-60, as may be amended, is hereby adopted and incorporated by reference in its entirety.

(c) Pursuant to WAC 173-60-030 (2), the following zones are designated to conform to the EDNAs (see WAC) as provided:

(1) SR, RLMD, RMD, RHD, and OTR - Class A EDNA

(2) NC, OTB, GC, and HC - Class B EDNA

(3) BP, A, LI, and I - Class C EDNA

(4) P/SP - shall conform to the EDNA that conforms to the zoning designation that predominately surrounds the P/SP parcel.

(d)

The following provisions of WAC 173-60 are amended:

(1) WAC 173-60-050 (2)(b) (certain existing industrial uses) is specifically not adopted.

(2) Wherever WAC 173-06 speaks to the department of ecology enforcing said regulations, the city may also act to enforce them pursuant to [Chapter 20.28](#) (Enforcement and Review) of this title.

(Ord. 1393 § 10, 2006; Ord. 1309 § 5(part), 2003)

- **20.44.220 - Vibration.**

(a) Except as modified by Subsection (b), no use in any zoning district may generate any ground-transmitted vibration that causes property damage or is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on a lot.

(b) No 4.000 classification use in a Light Industrial (LI) or General Industrial district (GI) may generate any ground-transmitted vibration in excess of the limits set forth in Subsection (e). Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in Subsection (e).

(c) The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

(d) The vibration maximums set forth in Subsection (e) are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed based on displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches.

The maximum velocity shall be the vector sum of the three components recorded.

(e) Table 20.44-2 is the Table of Maximum Ground-Transmitted Vibration.

(f) The values stated in Subsection (e) may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between seven a.m. and ten p.m. shall be exempt from the requirements of this section.

Table 20.44-2: Table of Maximum Ground-Transmitted Vibration

(Ord. 1309 § 5(part), 2003)

- **20.44.230 -Odors.**

(a) For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that is found to be overwhelming and a nuisance to the olfactory systems of a majority of a panel of five healthy observers.

(b) No use in any district may generate any odor that:

(1) Reaches the odor threshold, measured at:

(A) The outside boundary of the immediate space occupied by the enterprise generating the odor.

(B) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

(2) Exceeds any state or federal thresholds.

(Ord. 1309 § 5(part), 2003)

- **20.44.240 - Smoke and air pollution.**

(a) Any use that emits any "air contaminant" as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency.

(b) No zoning, special use, or conditional use permit may be issued with respect to any development covered by Subsection (a) until the Puget Sound Clean Air Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

(Ord. 1309 § 5(part), 2003)

- **20.44.250 - Disposal of liquid and hazardous wastes.**

(a) No use in any district may discharge any waste contrary to the provisions of RCW 70.105 (Hazardous Waste Management) or RCW 90.48 (Water Pollution Control).

(b) No use in any district may discharge into either the city of Arlington's or the city of Marysville's sewage treatment facilities any waste that cannot be adequately treated by biological means or in a manner inconsistent with the requirements and sewer service policies of either jurisdiction.

(Ord. 1309 § 5(part), 2003)

PARK OPEN SPACE CHANGES

One of the issues that has been difficult to administer in subdivisions is the open space requirements especially for smaller projects. Our recreation requirements are outdated and can be very difficult to complete for smaller projects. For example, a project is required to provide 110 square feet per person and a three bedroom house has 4.5 persons (per code). So if you are completing a 15 lot plat with three bedroom houses that would be 7,425 square feet required. Section SMC 17.147.040 is the section that discusses required recreation facilities requirements. If you review the list below it would be very difficult to do any of these requirements with the potential exception for section 17.147.040(1)(b) Picnic area, consisting of at least five picnic tables with benches, five barbecues, and five secured in-place trash containers. This picnic area shall have shade trees. Although a project could do this it would be too much for such a tiny area.

It might also be logical in certain situations to eliminate the requirement for open space and have the applicant provide comparable dollar value in an existing city park. This would be a benefit to improving what we have and providing a better park experience.

SUPPORTING INFORMATION

17.147.040 RECREATIONAL FACILITY REQUIREMENTS.

(1) The purpose of the recreation areas is to provide adequate recreational facilities to serve the residents of the development. Each new residential development of 10 units or more shall provide, at a minimum, facilities from the following list. The number of facilities that must be provided from this list shall be based on the number of dwelling units that are to be built in the development, as provided in subsection (2) of this section. A development may not provide two or more of the same facility unless more than five facilities are provided.

- (a) Playground area that meets ASTM standards, consisting of four pieces of playground equipment including swings, slide, and climber, or a single piece of equipment that provides at least four different activities;
- (b) Picnic area, consisting of at least five picnic tables with benches, five barbecues, and five secured in-place trash containers. This picnic area shall have shade trees;
- (c) Asphalt-paved hiking, jogging, and/ or biking trails, at least one mile in length to City of Stanwood requirements;
- (d) Softball field to Amateur Softball Association of America requirements;
- (e) Multipurpose court to City of Stanwood requirements;
- (f) A tennis court constructed to United States Lawn Tennis Association requirements or a pickle ball court;
- (g) A swimming pool area with a minimum of an 800-square foot pool, a 3,200-square foot deck, and, as a minimum, a six-foot high perimeter fence;
- (h) A one-quarter mile running track to National Collegiate Athletic Association requirements;
- (i) Two volleyball courts;
- (j) A soccer field to United States Youth Soccer Association requirements;
- (k) Two handball courts to United States Handball Association requirements;

- (l) Exercise course to City of Stanwood requirements;
- (m) Historical site with interpretive signage.

(2) The number of required recreational facilities shall be dependent on the total number of dwelling units approved for the residential project. The following table indicates the number of required recreational facilities relative to the size of the residential project:

**Minimum Recreational Facility
Requirements in Residential Developments**

Number of Approved Dwelling Units in Project	Minimum Number of Required Recreational Facilities
10 – 50	1
51 – 100	2
101 – 150	3
151 – 200	4
201 – 250	5
251 – 300	6
301 – 350	7
351 – 400	8
401 – 450	9
more than 450	10

(3) Notwithstanding the above table, certain facilities shall be suggested when the number of dwelling units reaches specified levels in residential developments. In these developments, the suggested facilities may be counted toward the required recreational provisions enumerated in subsections (1)(a) through (1)(m) of this section.

The following table indicates those facilities that are suggested for the various types of residential developments and at what dwelling unit provision level they may be required:

**Suggested Recreational Facility
Requirements in Residential Developments**

Minimum Dwelling Unit Recreational Facility Provision Levels	
Baseball or Softball Field	100 (Single-Family, Duplex or Combination of Single-Family and Duplex Projects only)
Tennis or Basketball Courts (2)	75 (All Residential Developments)
Multipurpose Court	50 (All Residential Developments)
Swimming Pool	200 (All Residential Developments)

(4) If an applicant wishes to provide recreational facilities in a manner that is not consistent with these standards, this shall be allowed, if, in the opinion of the planning director, the proposed deviation from these standards will be equivalent to the requirements contained herein. (Ord. 1098 § 2, 2001; Ord. 948, 1996; Ord. 929 Ch. 10(M)(4), 1995).

SEPARATE ORDINANCES FOR PARKS, TRAFFIC, AND FIRE IMPACT FEE

The change to all three of these ordinances would be to create a separate ordinance for each of these impact fees. Currently they are all contained in one ordinance and should be placed in separate ordinances as a standalone item.

MONUMENT SIGNAGE

The Planning Commission has asked to consider a change to the sign code to allow for off-sight monument signage for businesses. For example, this would allow a business or group of businesses who do not front a main road like 271st St NW to provide signage for their business to be visible. Another option might be to modify the A-board signage requirements to meet this request as well.

EDITS TO CONSIDER FROM OUR HEARING EXAMINERS

During our recent hearing for the Stanwood School District, our hearing examiner has had a chance to review the Stanwood Municipal Code and is suggesting a few changes for consistency purposes. Below is a list of suggested edits.

H.E. SUGGESTIONS 1

I am suggesting five minor changes that would be common to both alternatives. First, I have changed “date of the hearing examiner’s decision” to “date the hearing examiner’s decision is issued” in both alternatives. My concern is that it might occur that your distribution of a decision could lag the date on my decision; I don’t think the time period for filing a reconsideration request should inadvertently be shortened should that happen. (I always try to e-mail decisions to your staff before noon of the date on the decision and I am quite confident that your staff tries to get the decision issued the same day they get it. But unforeseen things can happen.)

Second, I changed the word “petition” in the one place that it occurs to “request” so that all references to reconsideration requests use the same wording.

Third, although it’s in different places in the two alternatives, I have changed the wording so that the time period for actions starts at the close of the reconsideration period, rather than when a request is filed. This change would allow me to consolidate multiple requests rather than having to deal with each separately: If the timeline runs from the filing of the request, and if a request were filed very early in the reconsideration period, I could not afford to wait for the end of the period before doing something. I am sure that facilitating consolidation of requests would benefit me timewise, save the City money, and make life easier for your staff.

Fourth, I have deleted the word “affected” as a modifier of “parties of record”. I think it is unnecessary and could lead to procedural disputes over which parties of record are “affected” by a decision. I think you’d be better off just saying that parties of record may comment.

Fifth, I have added a new subsection (c) which essentially says that there can be only one round of reconsideration. I have this limitation in our present Rules of Procedure and I think, although some might argue that it is intuitively obvious, that it is worth saying that reconsideration cannot be an endless loop.

As to the alternatives themselves, Alternative A merely incorporates the five above changes into the text. It makes no substantive changes to the subsection.

Alternative B makes a substantive change: It eliminates the mandatory comment period for every request for reconsideration. I have found in other jurisdictions that often there is no need to lengthen the process to ask for comments from parties of record or staff. I have sought comments in some cases, but not always. In some cases I know from the hearing what parties of record and staff would likely think about changes contained in a request for reconsideration. Or, sometimes, the request seeks a change that is so obviously needed or a change that I know I will be unwilling to make that to spend 14 days inviting comments would be a waste of time.

H.E. SUGGESTIONS 2

I'm still poring through the new code – and I just came to SMC 17.81B.710(5)(b)(iii) regarding reconsideration of my decisions on Type I and II appeals. This one is much shorter – and doesn't provide for parties of record comments. It does, however, say that my action on a request must be made within 14 days of the filing of the request.

If the City decides to amend the other reconsideration section to have the time period for my action run from the end of the reconsideration period, I would ask that this subsection be amended to match.

On a different note: I see that while I have 15 days after the hearing to issue my decision on a Type III application [SMC 17.81B.350(4)], I only have 14 days to issue my decision on a Type I or II appeal [SMC 17.81B.710(5)(b)(i)]. It would be nice if they were both the same.

H.E. SUGGESTIONS 3

I am unsure whether the Examiner still has a role in the review of development Agreements. SMC 17.81A.210(4), Table 17.81A-I says that I hold a hearing and forward a recommendation to the Council. SMC 17.81B.505 seems (in somewhat broken verbiage) to say the same thing. But SMC 17.81B.535 and .540 noticeably omit the Examiner from any role in the review process. Can you clarify?

CELL TOWER RULES

Our city attorney has been working with other cities on the issue of small cell deployment over the last year or so. Our current cell tower rules including those from 2016 do not address small cell deployment. It is suggested that the city create rules that address this matter.

Small cells or small cellular base stations encompass a number of different technologies but one could describe them as anything that's not a typical macro site. They are

deployed to solve network capacity issues in a relatively small area, like a hot spot or an important zone that is a subset of the umbrella macro site coverage.

Occupying less space, they help ensure seamless connectivity. Operators can easily replace large cell sites in crowded urban areas with several smaller cell sites or even augment cell sites using small cells solutions. By shrinking and/or breaking the size of each cell, operators can support more users per square mile. This means fewer blocked calls and more consistent data speeds in dense Indian metro cities. There are several ways that small cells can be deployed to expand capacity.





**CITY OF STANWOOD
COMMUNITY DEVELOPMENT COMMITTEE
AGENDA STAFF REPORT**

ITEM NUMBER: 4

DATE: April 12, 2018

SUBJECT: Mineral Point Phase II – Final Plat

CONTACT PERSON: Amy Rusko – Senior Planner

ATTACHMENTS: A. Mineral Point Phase II Final Plat

ISSUE

The Community Development Committee is being asked to review the final plat of Mineral Point Phase II.

RECOMMENDATION

1. Review and discuss the final plat of Mineral Point Phase II.

SUMMARY STATEMENT

The plat of Mineral Point was preliminarily approved for 69 new single family residential lots on approximately 19.92 acres. The property fronts 68th Avenue NW to the west and abuts Cederhome Elementary to the north. The Comprehensive Plan designation for the site is LDR – Low Density Residential and zoned SR 9.6 at the time of application. The plat of Mineral Point was split into three phases. The first phase, Mineral Point Phase I (20 lots) is complete. The second phase, Mineral Point Phase II consists of the next 32 lots.

DISCUSSION

In 2010, the applicant completed preliminary plat approval from the hearing examiner. Mineral Point Phase I was approved and recorded on September 18, 2017. The applicant has built out Phase I and is now ready to build Phase II.

City staff has reviewed the submittal documents for Mineral Point Phase II. The first paving and utility improvements have been completed for Phase II. The final plat is waiting for the sewer lift station to be built per City specifications.

Community Development and Public Works Departments are waiting for the sewer lift station to be completed prior to signing the final plat documents.

Based on staff review, the applicant has completed all other applicable conditions of the preliminary plat approval. Any conditions to be completed prior to building permit issuance and other restrictions are identified on the face of the plat map.

SMC 16.20.060(3) states:

(3) After being approved as required above, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this code, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the auditor.

The applicant will need to submit the necessary bonds, performance bonds and as-built drawings that are satisfactory to both Public Works and Community Development, prior to the final plat signatures.

Upon approval of by the City Council, the Mayor will sign the final plat along with city staff. The final plat will be returned to the applicant to record with the Snohomish County Auditor. Also, the applicant has provided the necessary bonding for installed improvements.

FINANCIAL IMPACT

Upon recording of the final plat, the plat will be recorded and each lot will contribute by paying property tax.

COMMITTEE RECOMMENDATIONS

- 1) Support approval of final plat of Mineral Point Phase II as presented.
- 2) Suggest returning the final plat of Mineral Point Phase II to the applicant to make final correction or edits to the plat and/or final plat.

RECOMMENDED ACTION

No recommendation provided.

DEDICATION

KNOW BY ALL MEN PRESENT THAT **WEATHERBY I, LLC**, A WASHINGTON LIMITED LIABILITY COMPANY, THE UNDERSIGNED OWNER(S) OF THE LAND HEREBY PLATTED, AND **COASTAL COMMUNITY BANK**, THE MORTGAGEE THEREOF, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS, BLOCKS, TRACTS, ETC. SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS, AVENUES, PLACES, ETC. SHOWN HEREON. ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS, WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ALL CLAIMS FOR DAMAGE AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID ROADS.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE. THE OWNER OF ANY LOT OR LOTS, PRIOR TO MAKING ANY ALTERATION IN THE DRAINAGE SYSTEM AFTER THE RECORDING OF THE PLAT, MUST MAKE APPLICATION TO AND RECEIVE APPROVAL FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR SAID ALTERATION. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF SUCH LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER.

TRACT 200 IS TO BE RETAINED BY **WEATHERBY I, LLC** FOR FUTURE DEVELOPMENT.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

WEATHERBY I, LLC, A WASHINGTON
LIMITED LIABILITY COMPANY

BY: _____ DATE: _____

ITS: _____

COASTAL COMMUNITY BANK

BY: _____ DATE: _____

ITS: _____

ACKNOWLEDGEMENTS

STATE OF WASHINGTON)
) SS.
COUNTY OF SNOHOMISH)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____, IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE/THEY SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE/THEY WAS/WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF **WEATHERBY I, LLC**, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

(SIGNATURE) _____

(PRINTED) _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT _____

MY APPOINTMENT EXPIRES: _____

DATED: _____

STATE OF WASHINGTON)
) SS.
COUNTY OF SNOHOMISH)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____, IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE/THEY SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE/THEY WAS/WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF **COASTAL COMMUNITY BANK**, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

(SIGNATURE) _____

(PRINTED) _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT _____

MY APPOINTMENT EXPIRES: _____

SHEET INDEX
SHEET 1 - DEDICATIONS AND APPROVALS, SURVEYORS CERTIFICATE
SHEET 2 - EASEMENTS AND SECTION BREAKDOWN
SHEET 3 - MAP SHEET, LOTS 16 THROUGH 47
SHEET 4 - MAP SHEET, TRACT 200

LEGAL DESCRIPTION

TRACT 100, PLAT OF MINERAL POINT PHASE I, AS RECORDED UNDER AUDITOR'S FILE NUMBER 201709185007, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

TITLE REPORT AND SCHEDULE B SPECIAL EXCEPTIONS

A TITLE REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, GUARANTEE/CERTIFICATE NUMBER 500061626C, DATED DECEMBER 22, 20176, AND WAS RELIED UPON FOR TITLE INFORMATION. ACCORDING TO THIS DOCUMENT, THIS SITE IS SUBJECT TO THE FOLLOWING EXCEPTIONS:

- SANITARY SEWER EASEMENT, RECORDED UNDER AFN 9705070446. NOTE: THIS EASEMENT IS NOW WITHIN THE RIGHT OF WAY OF 68TH AVENUE N.W.
- EASEMENT FOR INGRESS, EGRESS AND UTILITIES, RECORDED UNDER AFN 200612080323 AND 201612080324. THESE ARE BENEFICIAL EASEMENTS, AND ARE OFF-SITE.
- UTILITY EXTENSION, CAPACITY AGREEMENT INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF, RECORDED UNDER AFN'S 200612150273, 200612150274 AND 200612150275.
- UTILITY EXTENSION AGREEMENT INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF, RECORDED UNDER AFN 200809100348, BEING A RE-RECORDING OF AFN 200809080115.
- COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, AS SET FORTH ON SNOHOMISH COUNTY BOUNDARY LINE ADJUSTMENT 08-100436. RECORDED UNDER AFN 201104150377. RECORD OF SURVEY FOR SAID BOUNDARY LINE ADJUSTMENT HAS BEEN RECORDED UNDER AFN 201104155002.
- DISTRIBUTION EASEMENT, RECORDED UNDER AFN 201706070457. THIS EASEMENT IS OVER ALL STREETS AND RIGHTS-OF-WAY, AND A STRIP OF LAND ACROSS ALL LOTS, TRACTS AND OPEN SPACES PARALLEL TO AND COINCIDENT WITH THE BOUNDARIES OF PUBLIC STREETS AND ROAD RIGHTS OF WAY. THIS EASEMENT IS WITHIN THAT PORTION SHOWN AS "UE" HEREON.
- DRAINAGE EASEMENT, RECORDED UNDER AFN 201709120563. THIS EASEMENT IS NOT SHOWN AS IT WILL BE RELEASED PRIOR TO RECORDING.
- COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING AMY COVENANTS OR RESTRICTIONS, IF ANY INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON BOUNDARY LINE ADJUSTMENT, RECORDED UNDER AFN 201709075004.
- COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, MITIGATION FEES, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING AMY COVENANTS OR RESTRICTIONS, IF ANY INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON THE PLAT OF MINERAL POINT PHASE I, RECORDED UNDER AFN 201709185007.
- COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING AMY COVENANTS OR RESTRICTIONS, IF ANY INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT RECORDED UNDER AFN 201709250380.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT OF **MINERAL POINT PHASE II** IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 20, TOWNSHIP 32 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES, COURSES, AND ANGLES ARE SHOWN THEREON CORRECTLY; AND THAT MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE PLAT, AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF ALL LOCAL AND STATE STATUTES GOVERNING PLATTING AND WITH WAC 332-130-050.

JOANNE M. SWANSON, P.L.S.

CERTIFICATE NUMBER 34671

DATE: _____

APPROVALS

I HEREBY CERTIFY THAT THE PLAT OF MINERAL POINT PHASE II HAS BEEN EXAMINED BY THE CITY OF STANWOOD PLANNING AGENCY AND RECOMMENDATIONS FOR APPROVAL HAVE BEEN TRANSMITTED TO THE CITY COUNCIL.

EXAMINED AND APPROVED THIS _____ DAY OF _____, **2018**.

CITY OF STANWOOD PLANNING DIRECTOR

I HEREBY APPROVE THE SURVEY DATA, LAYOUT OF THE STREETS, ALLEYS AND OTHER RIGHTS-OF-WAY, DESIGN OF BRIDGES, AND UTILITY SYSTEMS INCLUDING STORM DRAINAGE, WATER AND SANITARY SEWER.

EXAMINED AND APPROVED THIS _____ DAY OF _____, **2018**.

CITY OF STANWOOD PUBLIC WORKS DIRECTOR

THE CITY COUNCIL OF THE CITY OF STANWOOD, MEETING IN REGULAR SESSION ON THE _____ DAY OF _____, 2018, DID FIND THAT THE PLAT OF MINERAL POINT PHASE II SERVES THE PUBLIC USE AND INTEREST AND HAS AUTHORIZED THE MAYOR TO EXECUTE WRITTEN APPROVAL.

ATTEST: _____

MAYOR

CITY CLERK DEPUTY

SNOHOMISH COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE,

HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING _____ TAXES.

TREASURER, SNOHOMISH COUNTY

BY: _____

DEPUTY COUNTY TREASURER

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF ORCA LAND SURVEYING, INC., THIS _____ DAY OF _____, **2018**, AT _____ MINUTES PAST _____ **.M.**, AND RECORDED IN VOLUME ____ OF PLATS, PAGE ____; UNDER A.F. NO. _____, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

AUDITOR, SNOHOMISH COUNTY

DEPUTY COUNTY AUDITOR



PLAT OF
MINERAL POINT PHASE II

IN THE SW 1/4 OF THE NE 1/4 & NW 1/4 OF THE SE 1/4
OF SECTION 20, T.32N., R.4E., W.M.
CITY OF STANWOOD, SNOHOMISH COUNTY, WASHINGTON

ORCA Land Surveying
3605 COLBY AVENUE, EVERETT, WA 98201
425-259-3400 FAX: 425-258-1616



JOB NO. 2017-091
DATE: 12/01/2017
DWG BY: JMS
F.B. 1611, P. 40
SHEET 1 of 4

O:\ORCA 2017\2017-091 Mineral Point Div 2.dwg 2017-091 Mineral Point Final Plat Phase II-AEE.dwg, DED 2-sht2, 1/11/2018 2:35:33 PM, 1:1

DRAINAGE FACILITY MAINTEANNCE COVENANT

WE, THE OWNERS AND CONTRACT PURCHASERS OF THE LANDS HEREIN PLATTED (GRANTOR), AGREE THAT THE OBLIGATIONS OF THE GRANTOR SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE HEIRS, SUCCESSORS, AND ASSIGNS. GRANTOR AGREES THAT THIS DOCUMENT TOUCHES AND CONCERNS THE LAND DESCRIBED HEREIN AND SHALL RUN WITH THE LAND.

THE GRANTOR BY EXECUTION OF THIS COVENANT ACKNOWLEDGES THAT THE BENEFITS OF THIS COVENANT INURE TO THE GRANTOR, DOWNSTREAM PROPERTY OWNERS, AND THE GENERAL PUBLIC, AND THAT THE CITY OF STANWOOD (CITY) AS THIRD-PARTY BENEFICIARY OF THIS COVENANT HAS THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THIS COVENANT ON BEHALF OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC. THE CITY REQUIRES THIS COVENANT TO PROTECT PRIVATE AND PUBLIC PROPERTY, PRIVATE AND PUBLIC DRAINAGE INFRASTRUCTURE, AND NATURAL RESOURCES OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC.

THE GRANTOR, IN CONSIDERATION OF THE APPROVAL OF THIS SUBDIVISION, HEREBY COVENANTS TO PERFORM REGULAR MAINTENANCE UPON THE DRAINAGE FACILITIES INSTALLED, OR TO BE INSTALLED, UPON GRANTOR'S PROPERTY. REGULAR MAINTENANCE SHALL INCLUDE, AT A MINIMUM, ANNUAL INSPECTION OF THE STORMWATER DRAINAGE SYSTEM. AS APPLICABLE, THE SYSTEM SHALL INCLUDE THE STORMWATER CONVEYANCE SYSTEM PIPES, DITCHES, SWALES, AND CATCH BASINS; STORMWATER FLOW REGULATION SYSTEM DETENSION PONDS, VAULTS, PIPES, FLOW REGULATION AND CONTROL STRUCTURES; INFILTRATION SYSTEMS AND WATER QUALITY CONTROL SYSTEM.

THE SCOPE OF THIS COVENANT AND RIGHT OF ENTRY SHALL BE ADEQUATE TO PROVIDE FOR THE ACCESS, INSPECTION, AND MAINTENANCE OF THE STORMWATER DRAINAGE SYSTEM, AND SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. THE CITY SHALL HAVE THE PERPETUAL RIGHT OF ENTRY ACROSS ADJACENT LANDS OF THE GRANTOR FOR PURPOSES OF INSPECTING, AUDITING, OR CONDUCTING REQUIRED MAINTENANCE OF THE DRAINAGE FACILITY;
2. IF CITY INSPECTION DETERMINES THAT MAINTENANCE IS NOT BEING PERFORMED, CITY SHALL ENDEAVOR TO PROVIDE THE GRANTOR REASONABLE ADVANCE NOTIFICATION OF THE NEED TO PERFORM THE MAINTENANCE AND A REASONABLE OPPORTUNITY FOR THE GRANTOR TO PERFORM IT. IN THE EVENT THAT THE GRANTOR FAILS TO COMPLETE THE REQUIRED MAINTENANCE WITHIN A REASONABLE TIME PERIOD, CITY SHALL HAVE THE RIGHT TO PERFORM OR CONTRACT WITH OTHERS TO PERFORM IT AT THE SOLE EXPENSE OF THE GRANTOR. IF THE CITY, IN ITS SOLE DISCRETION DETERMINES THAT AN IMMINENT OR PRESENT DANGER EXISTS, REQUIRED MAINTENANCE AND/OR REPAIR MAY BEGIN IMMEDIATELY AT GRANTOR'S EXPENSE, WITHOUT PRIOR NOTICE TO THE GRANTOR. IN SUCH EVENT, THE CITY SHALL PROVIDE GRANTOR WITH A WRITTEN STATEMENT AND ACCOUNTING OF ALL WORK PERFORMED AND THE FEES, CHARGES, AND EXPENSES INCURRED IN MAKING SUCH REPAIRS. GRANTOR SHALL AGREE TO REIMBURSE THE CITY OR PAY THE CITY'S VENDORS DIRECTLY FOR ALL REASONABLE FEES, CHARGES, AND EXPENSES IDENTIFIED IN THE CITY'S STATEMENT.
3. IF THE CITY IS REQUIRED TO ACT AS A RESULT OF GRANTOR'S FAILURE TO COMPLY WITH THIS COVENANT, THE CITY MAY REMOVE ANY OBSTRUCTIONS AND/OR INTERFERENCES THAT IN THE SOLE OPINION OF THE CITY IMPAIR THE OPERATION OF THE DRAINAGE FACILITY OR THE MAINTENANCE THEREOF. GRANTOR AGREES TO HOLD THE CITY, ITS OFFICERS, EMPLOYEES, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS, ACTIONS, SUITS, LIABILITY, LOSS, EXPENSES, DAMAGES AND JUDGMENTS OF ANY NATURE WHATSOEVER, INCLUDING COSTS AND ATTORNEY'S FEES INCURRED BY THE REMOVAL OF VEGETATION OR PHYSICAL INTERFERENCE FROM THE DRAINAGE FACILITY.
4. WHEN EXERCISING THE MAINTENANCE PROVISIONS OF THE COVENANT, IN THE EVENT OF NONPAYMENT, THE CITY MAY BRING SUIT TO RECOVER SUCH COSTS, INCLUDING ATTORNEY'S FEES, AND UPON OBTAINING A JUDGEMENT, SUCH AMOUNT SHALL BECOME A LIEN AGAINST THE PROPERTY OF GRANTOR AS PROVIDED IN RCW 4.56.190.
5. GRANTOR COVENANTS THAT ALL OF THE OWNERS, CONTRACT PURCHASERS AND LIEN HOLDERS OF THE PROPERTY DESCRIBED HEREIN HAVE SIGNED THE DEDICATION AND/OR DECLARATION OF THIS SUBDIVISION, THAT THEY HAVE THE RIGHT TO GRANT THIS COVENANT ON THE PROPERTY, AND THAT THE TITLE TO THE PROPERTY IS FREE AND CLEAR OF ANY ENCUMBRANCES WHICH WOULD INTERFERE WITH THE ABILITY TO GRANT THIS COVENANT.

EASEMENT PROVISIONS

UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED ALL UTILITIES SERVING SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, TRACTS AND COMMON AREAS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE, AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELEVISION CABLE AND OTHER UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS, TRACTS AND COMMON AREAS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

DRAINAGE EASEMENT

DRAINAGE EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE HOMEOWNERS ASSOCIATION, EXCEPT THOSE DESIGNATED ON THE PLAT AS PRIVATE EASEMENTS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN CHANNEL STORM WATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UNDER, UPON OR THROUGH THE DRAINAGE EASEMENT.

PRIVATE DRAINAGE EASEMENT (PDE)

EASEMENTS FOR THE PURPOSE OF CONVEYING LOCAL STORM WATER RUNOFF ARE HEREBY GRANTED IN THE AREAS DESIGNATED AS PRIVATE DRAINAGE EASEMENTS. THE MAINTENANCE OF THE PRIVATE DRAINAGE EASEMENTS, ESTABLISHED AND GRANTED HEREIN SHALL BE THE RESPONSIBILITY OF AND THE COST THEREOF SHALL BE BORNE EQUALLY BY, THE PRESENT AND FUTURE OWNERS OF THE LOTS SERVED BY SAID EASEMENTS, THEIR HEIRS, PERSONAL REPRESENTATIVES, AND ASSIGNS, EXCEPT THAT THE OWNERS OF ANY LOWER UNIT SHALL NOT BE RESPONSIBLE FOR THE EASEMENT ABOVE THEIR CONNECTION, WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE PRIVATE DRAINAGE EASEMENTS ARE AS FOLLOWS:

- | | |
|---|---|
| PDE WITHIN LOT 20 IS FOR THE BENEFIT OF LOTS 20 AND 21; | PDE WITHIN LOT 22 IS FOR THE BENEFIT OF LOTS 22 AND 23; |
| PDE WITHIN LOT 24 IS FOR THE BENEFIT OF LOTS 24 AND 25; | PDE WITHIN LOT 27 IS FOR THE BENEFIT OF LOTS 26 AND 27; |
| PDE WITHIN LOT 29 IS FOR THE BENEFIT OF LOTS 28 AND 29; | PDE WITHIN LOT 31 IS FOR THE BENEFIT OF LOTS 30 AND 31; |
| PDE WITHIN LOTS 36-38 IS FOR THE BENEFIT OF LOTS 36-39; | PDE WITHIN LOTS 33 AND 34 IS FOR THE BENEFIT OF LOTS 33-35; |
| PDE WITHIN LOTS 41 AND 42 IS FOR THE BENEFIT OF LOTS 40-43; | PDE WITHIN LOTS 45 AND 46 IS FOR THE BENEFIT OF LOTS 44-46; |
| PDE WITHIN LOT 47 IS FOR THE BENEFIT OF LOT 48, PHASE III; | PDE WITHIN LOT 16 IS FOR THE BENEFIT OF LOT 15, PHASE III |

NOTES:

1. THE LOTS WITHIN THIS SUBDIVISION SHALL BE SUBJECT TO SCHOOL IMPACT MITIGATION FEES FOR THE BENEFIT OF THE STANWOOD-CAMANO SCHOOL DISTRICT, TO BE DETERMINED BY THE CERTIFIED AMOUNT WITH THE BASE FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION, AND TO BE COLLECTED PRIOR TO ISSUANCE OF EACH BUILDING PERMIT, IN ACCORDANCE WITH THE PROVISIONS OF SMC 17.153.
2. THE DWELLING UNITS WITHIN THIS DEVELOPMENT ARE SUBJECT TO FIRE IMPACT FEES IN THE AMOUNT OF \$200.00 PER NEWLY APPROVED DWELLING UNIT. PAYMENT OF THESE MITIGATION FEES IS REQUIRED PRIOR TO ISSUANCE OF EACH BUILDING PERMIT IN ACCORDANCE WITH THE PROVISION OF SMC 17.151 AND THE DEVELOPMENT AGREEMENT. THE PER DWELLING UNIT FEE STATED HEREIN WILL REMAIN IN EFFECT FOR A PERIOD OF FIVE (5) YEARS FROM FEBRUARY 4, 2010 .
3. THE DWELLING UNITS WITHIN THIS DEVELOPMENT ARE SUBJECT TO THE PROVISIONS OF SMC 17.112, ARCHITECTURAL DESIGN STANDARDS. FENCING SHALL BE REVIEWED BY THE CITY AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW.

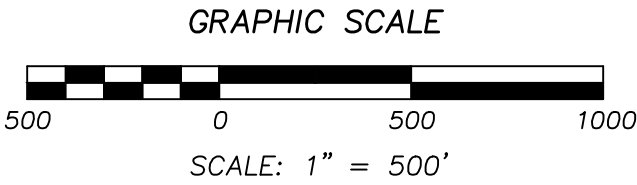
EQUIPMENT & PROCEDURES

INSTRUMENTATION: LEICA TORM1205 TOTAL STATION
LEICA APX1200 GPS UNIT

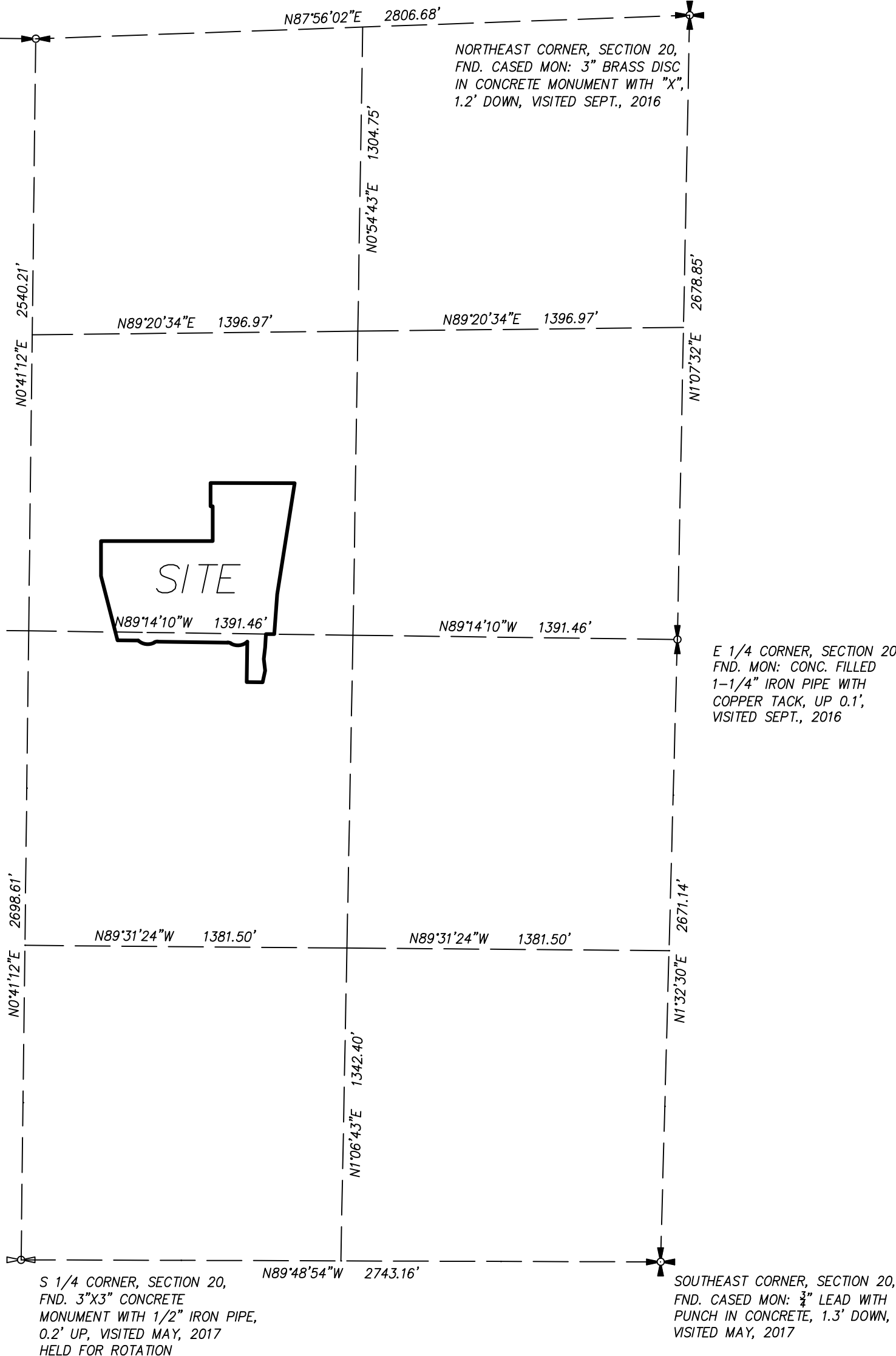
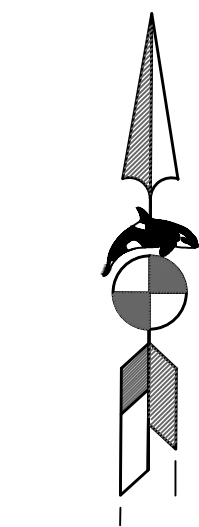
METHOD OF SURVEY: FIELD TRAVERSE AND GPS LOCATION OF EXISTING MONUMENTATION

PRECISION: MEETS OR EXCEEDS W.A.C. 332-130-090 REQUIREMENTS

BASIS OF BEARING: THE FOUND MONUMENTS AT THE SOUTH QUARTER CORNER AND THE NORTH QUARTER CORNER OF SECTION 20, TOWNSHIP 32 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, TAKEN AS NORTH 00°41'12" EAST. ASSUMED DATUM



W 1/4 CORNER, SECTION 20,
FND. CASED MON: CONC. FILLED
FILLED 2.75" BRASS DISK
WITH PUNCH, LS 19645, 0.4'
DOWN, VISITED MAY, 2017



SECTION BREAKDOWN

REFERENCES:

- (R1) PLAT OF RIDGELAND ESTATES, AFN 200602215094
(R2) PLAT OF CEDARHOME ESTATES, AFN 200504145430



PLAT OF
MINERAL POINT PHASE II

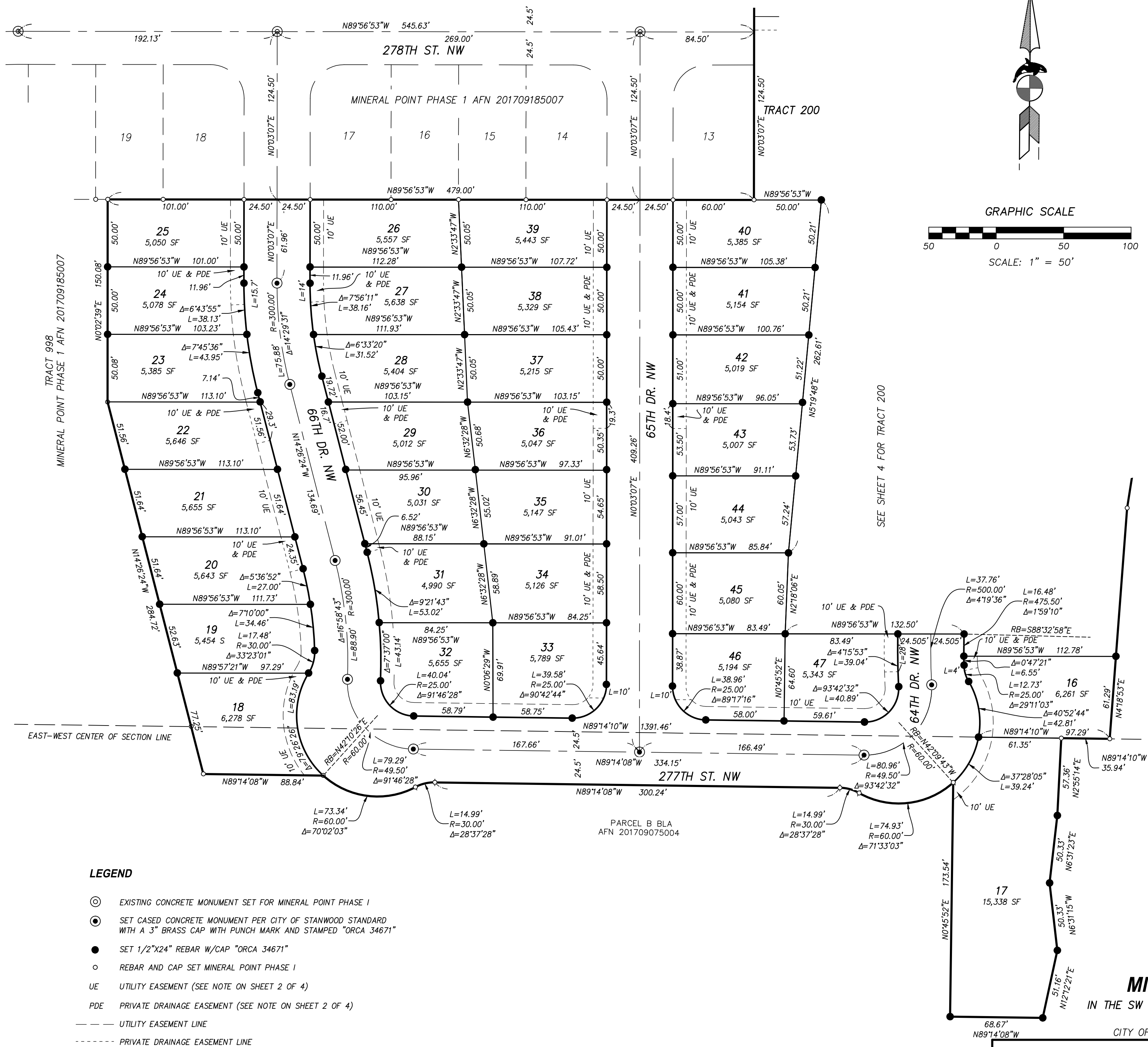
IN THE SW 1/4 OF THE NE 1/4 & NW 1/4 OF THE SE 1/4
OF SECTION 20, T.32N., R.4E., W.M.
CITY OF STANWOOD, SNOHOMISH COUNTY, WASHINGTON

ORCA Land Surveying
3605 COLBY AVENUE, EVERETT, WA 98201
425-259-3400 FAX: 425-258-1616



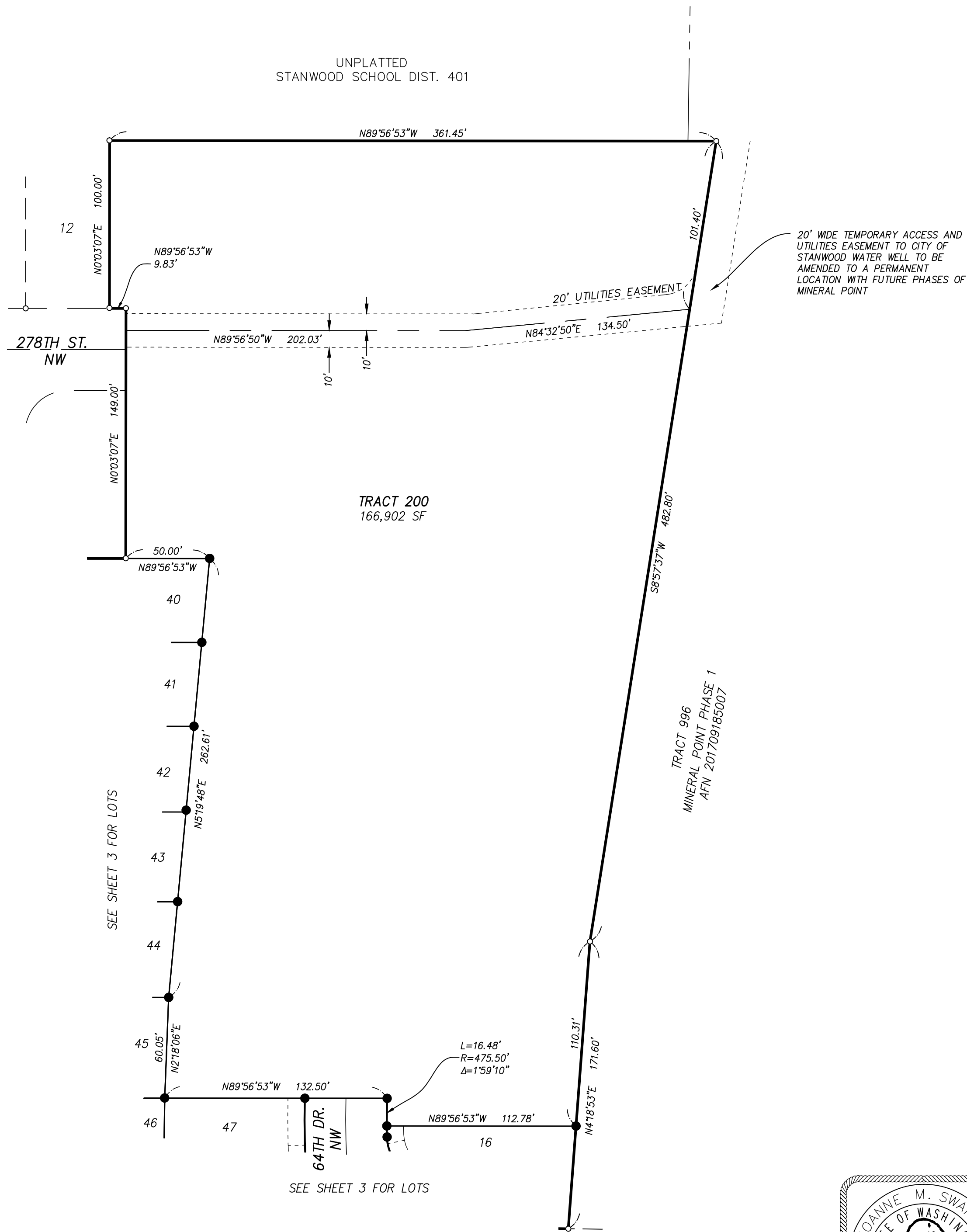
JOB NO. 2017-091
DATE: 12/01/2017
DWG BY: JMS
F.B. 1611, P. 40
SHEET 2 of 4

AFN_____



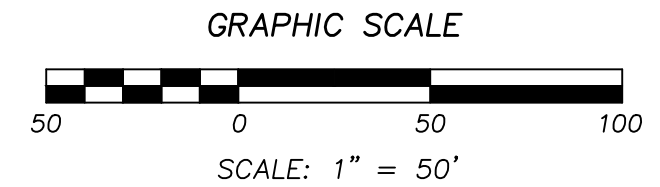
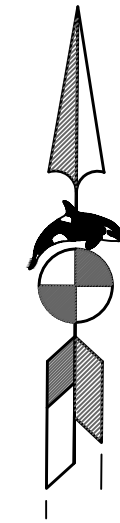
O:\ORCA 2017\2017-091 Mineral Point Div 2.dwg 2017-091 MINERAL POINT FINAL PLAT PHASE II-AEE.dwg, MAP 2-sh4, 1/11/2018 2:35:43 PM, 1:1

MINERAL POINT PHASE I
AFN 201709185007



SEE SHEET 3 FOR LOTS

AFN_____



LEGEND

- ⊙ EXISTING CONCRETE MONUMENT SET FOR MINERAL POINT PHASE I
- SET CASED CONCRETE MONUMENT PER CITY OF STANWOOD STANDARD WITH A 3" BRASS CAP WITH PUNCH MARK AND STAMPED "ORCA 34671"
- SET 1/2"X24" REBAR W/CAP "ORCA 34671"
- REBAR AND CAP SET MINERAL POINT PHASE I
- UE UTILITY EASEMENT (SEE NOTE ON SHEET 2 OF 4)



**PLAT OF
MINERAL POINT PHASE II**

IN THE SW 1/4 OF THE NE 1/4 & NW 1/4 OF THE SE 1/4
OF SECTION 20, T.32N., R.4E., W.M.
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SHEET 4 of 4