

1. Agenda

Documents:

[2-26-2018 AGENDA.PDF](#)

2. Meeting Materials

Documents:

[DISCUSSION_ RECREATIONAL MARIJUANA RULES.PDF](#)



PLANNING COMMISSION AGENDA

Monday February 26, 2018 – 6:30PM
Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. New Business

Discussion: Recreational Marijuana Rules

Heritage Master Plan Presentation – PowerPoint Show

5. Old Business
6. Miscellaneous Business
7. Public Comments
8. Recent Council Action on Commission Items
9. Upcoming Items
10. Adjourn

For information about this agenda, contact the Community Development Department at 360-629-2181 ext. 4512.

SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-629-2181 ext. 4512 two business days prior to the meeting.



**CITY OF STANWOOD
Planning Commission
AGENDA STAFF REPORT**

DATE: February 26, 2018

SUBJECT: New Recreational Marijuana Rules

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

ATTACHMENTS: A. Draft Rule – Marijuana allowed
B. Map of setbacks (2 maps)

ISSUE

The issue before the Planning Commission is to review code changes to marijuana regulations.

RECOMMENDATION

1. Review and discuss proposed rules for Recreational Marijuana.
2. Make any additional recommended changes to staff on new Recreational Marijuana rules.

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 follow 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 retailer 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.

After the Planning Commission has reviewed and provided comments on the proposed recommended language, staff will finish making edits and rectify the language within proposed sections 17.100.045 and 17.100.047 and potentially consolidate the two sections into one. Staff will then issue a SEPA threshold determination and schedule a public hearing on this matter.

DISCUSSION

Below is a list of issues to discuss for Planning Commission 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 315-55-010

(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.

(9) "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.

22) "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.

(23) "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 within 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 staff recommends that potential regulations include that applicants for marijuana producers and processors provide calculations estimating water and sewer use. By receiving an estimate of water and sewer use, and with the knowledge that waste is strictly controlled, the City can be better assured that the review and associated fees will be based on overall demand. 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 for producers and processors due to the limited visitors to these operations, such as manufacturing uses and existing tables 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 question is to where to permit these types of facilities. Staff is suggesting allowing producers and processors within the Light Industrial and General Industrial zones and then to allow 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 a permitted use with 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.

So, staff has drafted a set of rules that allow for the retail sale of marijuana as well as producers and processors in the City.

Here are a few highlights from the set of rules:

- 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.
- 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.

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 base 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 only

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. 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.

PLANNING COMMISSION OPTIONS

- 1) Discuss proposed language and provide any suggested changes or edits as needed.

RECOMMENDED ACTION

None at this time

ATTACHMENT A
Draft Rules Allowing for Recreational Marijuana Use

Chapter 17.30

PERMITTED LAND USES

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).

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

[illegible]

Manufacturing, light										P42, P39 MXO	P50	
<u>Marijuana processor</u>											<u>ADC</u>	<u>ADC</u>
<u>Marijuana producer</u>											<u>ADC</u>	<u>ADC</u>
Motion picture industry										P, P39 MXO	P	
Printing, publishing and allied industry											P	P

Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN	MB-I29	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	P	P

										MXO		
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
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					

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).

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~~

17.100.047 Conditions for permitting marijuana producers or processors

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 eCommunity dDevelopment 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 additional 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 or will be 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 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) 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, 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 recreational marijuana license. The city will process business license applications for recreational marijuana businesses in the order in which they are accepted.

(e). Enforcement. Any violation of this section is subject to enforcement under the provisions of Chapter 13.01 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.”

17.100.047 Conditions for permitting State Licensed Marijuana Producers or Processors
An administrative conditional use permit shall be required in order to operate as a marijuana producer or processor in the City of Stanwood. In order to issue an administrative conditional use permit for a marijuana producer or processor 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). 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 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 17.112.040 and 17.112.045.

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

(d) Proof that a license to operate as a marijuana producer or processor has or will be issued by the State Liquor and Cannabis Board.

(2). Marijuana restrictions, development, and performance standards.

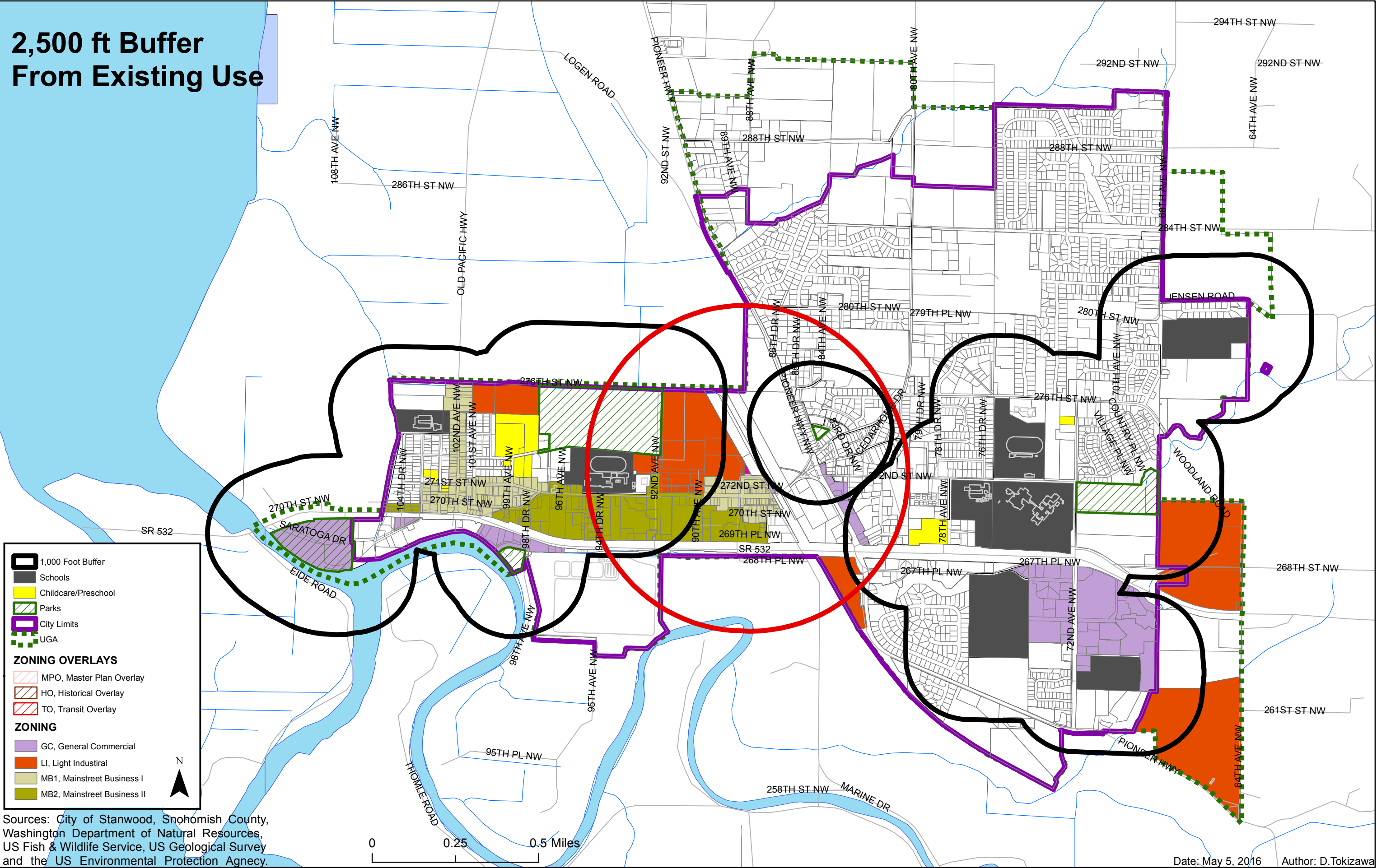
- (a) All marijuana uses shall be located in their entirety within a building that is: 1) enclosed on all sides with walls, 2) has a roof; and, 3) is constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Greenhouses, temporary structures, or other structures serving a similar purpose shall not be permitted. Outdoor production as may be permitted by the state is expressly prohibited by this section.
- (b) Signage shall comply with WAC 314-55-155 as currently written or as amended for recreational marijuana uses.
- (c) Ventilation Required. All marijuana uses shall be ventilated so that the odor of marijuana shall not be detectable from a public place, including, but not limited to: sidewalks, roads, parking lots; or from a property owned or leased by another person.
 - (i) Marijuana uses located in buildings that have, or have the potential to have, other tenants shall have separate heating, cooling, and ventilation systems.
 - (ii) A plan for ventilation of the marijuana use that illustrates and describes the ventilation systems that will be used to prevent any odor of marijuana off the premises. Such plan shall include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. In addition this plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
 - (iii) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if It was not a marijuana use, that will be used or kept at the location, the location of such materials, and how such materials will be stored.
- (d) 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, 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.
- (e) Portable marijuana production or processing activities are strictly prohibited.
- (f) Applicants for marijuana producers and/or processors shall submit calculations, prepared by an approved professional engineer, estimating water and sewer use.

- (g) Marijuana plants, products and paraphernalia shall not be grown or on display in any location where the plants, products or paraphernalia are visible from the public right-of-way or a public place.
- (i) Recreational marijuana producers or processors shall comply with the 1,000 foot separation requirements mandated as outlined in WAC 314-55-050 (10). The subsequent establishment of a use listed in WAC 314-55-050 (10) within 1,000 feet of a legally established and licensed marijuana producer, processor or retail outlet shall not render the marijuana producer, processor, or retail outlet non-conforming in regard to location under this ordinance.
- (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.”

ATTACHMENT C

2,500 ft Buffer
From Existing Use



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