



city of
covington
growing toward greatness

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The City of Covington is a destination community where citizens, businesses and civic leaders collaborate to preserve and foster a strong sense of unity.

PLANNING COMMISSION AGENDA

April 21 2016

6:30 PM

CALL TO ORDER

ROLL CALL

Chair Bill Judd, Vice Chair Paul Max, Jennifer Gilbert-Smith, Alex White, Jim Langehough, Krista Bates & Chele Dimmett.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Minutes from February 18, 2016

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

UNFINISHED BUSINESS – None

PUBLIC HEARING – None

NEW BUSINESS – No Action Required

2. Discussion of Proposed Permanent Zoning Regulations for Marijuana

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

*Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
For TDD relay service please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 480-2400*

Web Page: www.covingtonwa.gov

**CITY OF COVINGTON
Planning Commission Minutes**

February 18, 2016

City Hall Council Chambers

CALL TO ORDER

Chair Judd called the regular meeting of the Planning Commission to order at 6:32 p.m.

MEMBERS PRESENT

Chele Dimmett, Jennifer Gilbert-Smith, Bill Judd, Jim Langehough, Paul Max, Krista Bates and Alex White

MEMBERS ABSENT - None

STAFF PRESENT

Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF CONSENT AGENDA

- **1. Vice Chair Max moved and Commissioner Dimmett seconded to approve the December 17, 2015 minutes and consent agenda. Motion carried 7-0.**

CITIZEN COMMENTS

UNFINISHED BUSINESS - None

PUBLIC HEARING - None

NEW BUSINESS

2. Discuss Proposed Code Amendments to Title 14 Comprehensive Plan

Principal Planner, Salina Lyons presented minor changes to Covington Municipal Code (CMC), Title 14 related to how the Comprehensive Plan is adopted. Some minor policy amendments correcting references and Scribner's errors were updated as part of this process.

In CMC 14.30, staff updated code related to legislative actions and appeal processes. This is presented to the Planning Commission as informational.

3. Discuss Proposed Code Amendments to Title 8 Motor Vehicles

Community Development Director, Richard Hart presented a minor verbiage change so that the Covington Municipal Code applies to any vehicle, not just motor vehicles.

4. Discuss Status of New Development Projects in Covington

Mr. Hart also reviewed a list of current projects underway in the city.

ATTENDANCE VOTE - None

PUBLIC COMMENTS - None

COMMENTS AND COMMUNICATIONS FROM STAFF - None

ADJOURN

The February 18, 2016 Planning Commission Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

Schedule for Permanent Marijuana Zoning Code Regulations-2016

Council & Planning Commission Meeting Dates:

Council Public Hearing: June 14, 2016 w/ possible final adoption

Council Final Action Deadline: June 28, 2016 (Last date for final adoption)

Planning Commission Public Hearing: May 5, 2016 w/ possible action

Planning Commission Final Action: May 19, 2016 (Last date for action)

Planning Commission Discussion: April 21, 2016 (First Discussion)

Legal Notice to State Commerce and SEPA Action:

60 Day Notice to State Commerce Deadline: April 13, 2016

SEPA Non-Project Action: Issue April 13, 2014 (30 day time period)

Legal Newspaper Ad for PC Public Hearing on May 5 Deadline: April 11

Draft Regulations Completed:

Complete Draft Zoning Regulations for Retail Sales (MC & GC Zones) and Production & Processing (I Zones).

Printing & Inclusion in 4-21 Planning Commission Packet: April 14, 2016

**DRAFT CMC AMENDMENTS AND ADDITIONS FOR
PERMANENT MARIJUANA REGULATIONS**

New Sections to Chapter 18.20 Technical Terms and Land Use Definitions

18.20.744 Marijuana

“Marijuana” shall have the meaning established pursuant to RCW 69.50.101(v), as currently adopted and hereafter amended.

18.20.744.1 Marijuana processor

“Marijuana processor” shall have the meaning established pursuant to RCW 69.50.101(x), as currently adopted and hereafter amended.

18.20.744.2 Marijuana producer

“Marijuana producer” shall have the meanings established pursuant to RCW 69.50.101(y), as currently adopted and hereafter amended.

18.20.744.3 Marijuana retail outlet

“Marijuana retail outlet” shall have the meanings established pursuant to RCW 69.50.101(oo), as currently adopted and hereafter amended.

18.20.744.4 Marijuana retailer

“Marijuana retailer” shall have the meanings established pursuant to RCW 69.50.101(bb), as currently adopted and hereafter amended.

18.20.744.5 Marijuana-infused products

“Marijuana-infused products” shall have the meanings established pursuant to RCW 69.50.101(cc), as currently adopted and hereafter amended.

18.20.744.6 Marijuana, useable

“Marijuana, useable” or “useable marijuana” shall have the meanings established pursuant to RCW 69.50.101(tt), as currently adopted and hereafter amended.

New Chapter 18.33 Marijuana-Related Uses

18.33.010 Definitions.

Unless the context clearly indicates otherwise the terms within this chapter shall have the meanings established pursuant to Chapter 18.20 CMC. Any terms not defined in Chapter 18.20 CMC shall have meanings established pursuant to RCW 69.50.101.

18.33.020 Marijuana-Related Uses—Generally.

(1) The production, processing, and retailing of marijuana is and remains illegal under federal law. Nothing in this chapter is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law.

- (2) This chapter incorporates the requirements and procedures set forth in chapter 69.50 RCW and 314-55 WAC. Except as otherwise specifically provided herein, in the event of any conflict between the provisions of this chapter and the provisions of chapter 69.50 RCW or chapter 314-55 WAC, the more restrictive provision shall control.
- (3) The regulations under chapter 69.50 RCW and chapter 314-55 WAC, now or as may hereafter be amended, shall apply to all marijuana producers, processors, retailers, and retail outlets in addition to the provisions of this chapter.
- (4) Only marijuana producers, marijuana processors, and marijuana retailers licensed by the Washington State Liquor Control Board may locate in the City and then only pursuant to the license issued by the Washington State Liquor Control Board.
- (5) Marijuana producers, marijuana processors, and marijuana retailers are required to acquire all additional necessary business licenses and permits, and comply with all other applicable City ordinances and regulations.
- (6) The City may, prior to issuance of any license or permit, perform an inspection of the proposed premises to determine compliance with any applicable requirements of this chapter and all other applicable City ordinances and regulations.

18.33.030 Marijuana Producers and Processors.

Marijuana producers and marijuana processors licensed by the Washington State Liquor Control Board are permitted only in the Industrial (I) zone, subject to the requirements and other general provisions as set forth in this title, except where modified by this chapter.

- (1) Marijuana producers and marijuana processors shall not operate as an accessory to a primary use or as a home occupation.
- (2) All marijuana production and processing activities shall occur within an enclosed structure and the facility shall be designed, located, constructed, and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare, and traffic impacts.
- (3) Marijuana producers and marijuana processors shall not locate within one thousand feet (1,000 ft.) of the following uses or any use included in Chapter 314-55 WAC now or as hereafter may be amended:
 - (a) Public or private elementary or secondary school, or any facility owned or operated by such school;
 - (b) Child care center, preschool, nursery school, or other childcare facility;
 - (c) Public park, trail, or playground;
 - (d) Any real property designated in the Capital Improvement Plan for future park use;
 - (e) Recreation center or facility;
 - (f) Church, temple, synagogue, mosque, or chapel;

- (g) Public transit center;
- (h) Public library; or
- (i) Any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older.

The one-thousand-foot buffer shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property from which the proposed land use is to be separated.

18.33.040 Marijuana Retailers.

Marijuana retailers licensed by the Washington State Liquor Control Board are permitted only in the General Commercial (GC) and Mixed Commercial (MC) zones, subject to the requirements and other general provisions as set forth in this title, except where modified by this chapter.

(1) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.

(2) Marijuana retailers and retail outlets shall not locate within one thousand feet (1,000 ft.) of the following uses or any use included in Chapter 314-55 WAC now or as hereafter may be amended, except for as provided in subsection (3) herein:

- (a) Public or private elementary or secondary school, or any facility owned or operated by such school;
- (b) Child care center, preschool, nursery school, or other childcare facility;
- (c) Public park, trail, or playground;
- (d) Any real property designated in the Capital Improvement Plan for future park use;
- (e) Recreation center or facility;
- (f) Church, temple, synagogue, mosque, or chapel;
- (g) Public transit center;
- (h) Public library; or
- (i) Any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older.

(3) Marijuana retailers and retail outlets may locate less than one thousand feet (1000ft.) but no less than seven hundred and fifty feet (750 ft.) of the following uses only by conditional use permit (CUP) as prescribed in CMC Title 18.125.040 and Title 14.30.

- (a) Public park, trail, or playground;
- (b) Any real property designated in the Capital Improvement Plan for future park use;
- (c) Recreation center or facility;
- (d) Public library;
- (e) Church, temple, synagogue, mosque, or chapel; or
- (f) Any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older.

(4) The buffer restrictions in subsections (2) and (3) herein shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property from which the proposed land use is to be separated.

(5) Any marijuana odor shall be contained within the marijuana retail outlet so that the odor of marijuana cannot be detected from any abutting use or property by a person with a normal sense of smell. If any marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures necessary to contain the odor, including, but not limited to, installation of ventilation equipment.

(6) In addition to the security requirements in Chapter 315-55 WAC, during business hours, all marijuana retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products must be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

18.33.050 Enforcement - Penalty.

(1) Any violation of this chapter is declared to be a public nuisance per se and, in addition to any other remedy provided by law or equity, may be abated by the City under applicable provisions of this code or state law.

(2) No person or entity may violate or fail to comply with any provision of this chapter. Each person or entity commits a separate offense for each and every day they commit, continue, or permit a violation of any provision of this ordinance.

18.33.060 Legal Non-Conforming Uses

No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this title, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Covington Municipal Code and that use shall not be entitled to claim legal non-confirming use status.

18.25.080 Manufacturing land uses.

A. Table.

Key												
P – Permitted Use												
C – Conditional Use												
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I	
205	Bakeries						C3	P	P	P	P	
20	Food and kindred products (except 205)										P1	
2082/2084	Winery/brewery						C3			P	P	
22	Textile mill products										C	
23	Apparel and other textile products										P	
24	Wood products, except furniture										P	
25	Furniture and fixtures										P	
26	Paper and allied products										C	
27	Printing and publishing							P2			P	
28	Chemicals and allied products										C	
2911	Petroleum refining and related industries										C	

Dwelling Unit, Accessory	NP	NP	NP	P ²
Dwelling Unit, Multifamily	P ²⁶	P	P	P
Dwelling Unit, Single-Family Attached, Detached or Cottage Housing ^{21, 27}	NP	NP	NP	P ²
Senior Citizen Assisted Housing	P	P	P	C
Commercial				
Adult Entertainment	NP	P ³	P ³	NP
Business Services ¹⁹	P ⁵	P	P	P ^{4,5}
Drive-Through Use	NP	P	P	NP
Farmers' Markets and Public Markets ⁶	P	P	P	NP
Gambling and Card Rooms	NP	NP	NP	NP
Home Occupation and Live/Work	P	P	P	P
Veterinary Clinics (SIC 074), Animal Shelters, Kennels, and Catteries ²⁰	NP	NP	P	NP
Outdoor Commercial	NP	NP	P	NP
Personal and Beauty Services ²¹	P	P	P	P
Private Electric Vehicle Parking Facility (Primary Use)			P ^{5,24}	
Private Parking Facility (Primary Use)	NP	NP	NP	NP
Professional Office	P	P	P	P
Retail Trade and Services – 100,000 sq. ft. or less for all structures	P ⁵	P	P ¹⁰	P ^{4,5}
Retail Trade and Services – greater than 100,000 sq. ft. for all structures	C ^{5,9,18}	P	P ¹⁰	NP
Shooting Ranges ²⁵	NP	NP	P	NP
Storage/Self Storage	NP	P ⁵	P	NP
Temporary Lodging/Hotel	P	P	P	C ²²

<u>Retail Sales of Marijuana and Related Products</u>	<u>NP</u>	<u>P</u> <u>C28</u>	<u>P</u> <u>C28</u>	<u>NP</u>
Cultural/Recreation				
Cinema, Performing Arts and Museums	P	P	P	NP
Meeting Hall/Other Group Assembly	P	P	P	C
Recreation, Indoor or Outdoor	C	P	P	P
Religious	C ⁷	P	P	C
Health Services				
Emergency Care Facility	C ^{9,18}	P	NP	NP
Hospital	NP	P	NP	NP
Medical Office/Outpatient Clinic	P ⁸	P	NP	P
Nursing/Personal Care Facility	NP	P	NP	C
Industrial/Manufacturing				
Asphalt Plants	NP	NP	NP	NP
Light Industrial/Manufacturing	NP	NP	P ¹⁰	NP
Government/Institutional ¹¹				
Essential Public Facilities	NP	NP	C	NP
Government Services	P	P	P	P ¹²
Major Utility Facility	C ¹⁴	C	P	C
Minor Utility Facility	P ¹⁵	P	P	P
Schools: Compulsory, Vocational and Higher Education	C ¹³	P	NP	C
Wireless Communication Facilities ¹⁶				
Antenna, Collocation on an Existing Structure ¹⁷	P	P	P	P
Wireless Communication Facility Tower	NP	NP	NP	NP

(4) Permitted Use Conditions.

26. a. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story mixed-use structure; and

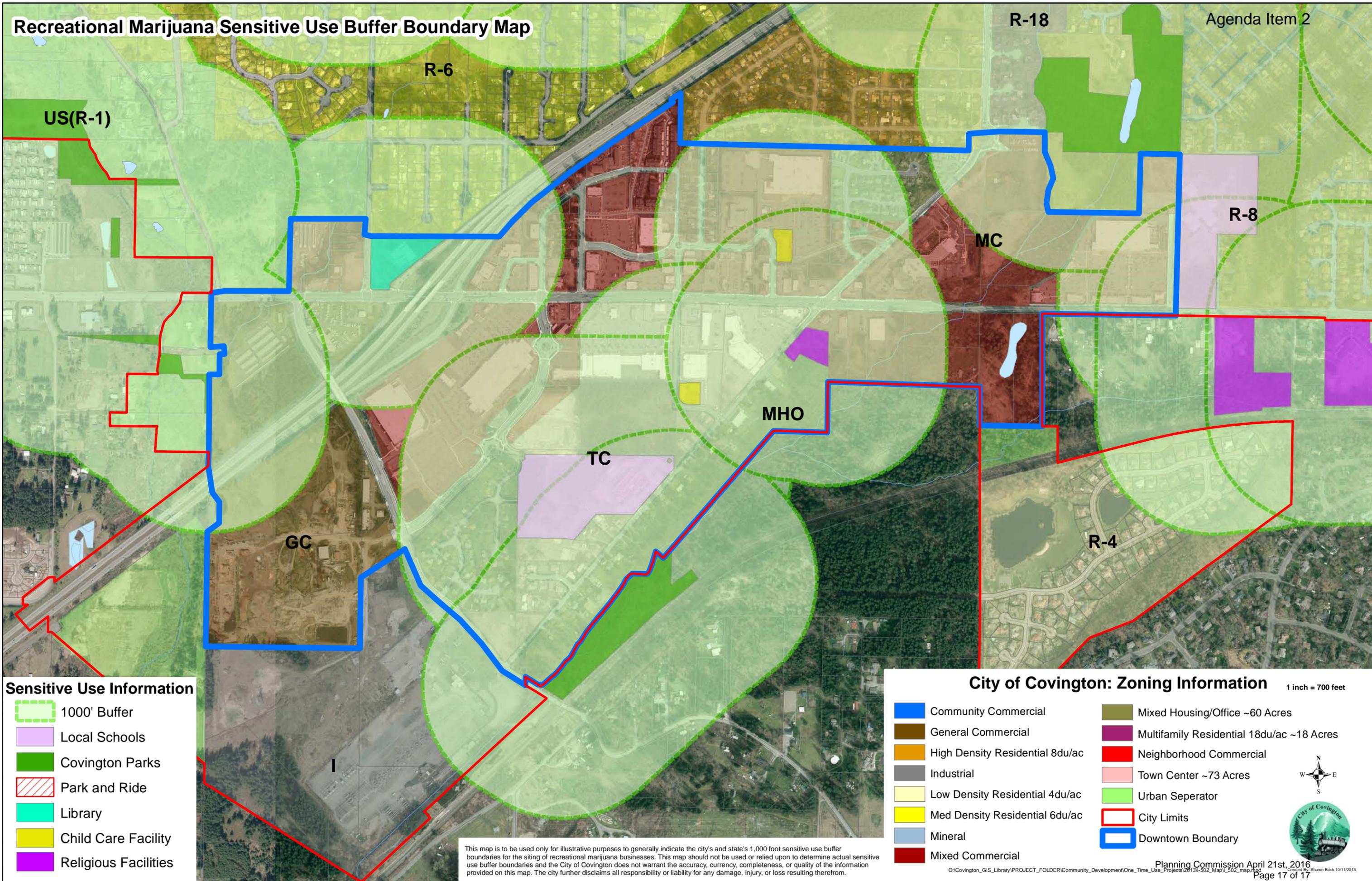
b. Sixty percent or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services, unless otherwise allowed through the development agreement process in Chapter [18.114](#) CMC and further specified in CMC [18.31.045](#). Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.

27. New and existing single-family attached and detached dwellings within commercial zones shall abide by the density and dimension standards for the R-8 zone provided in CMC [18.30.030](#).

[28. Retail Sales of Marijuana and related products may locate between seven hundred fifty \(750 ft.\) and nine hundred ninety nine \(999 ft.\) of a public park, trail, playground, or recreational facility; church, chapel, temple, synagogue, or mosque; public library; or any game arcade admission to which is not restricted to persons aged twenty-one \(21\) years or older; but only by conditional use permit \(CUP\) as prescribed in Title 18.125.040 and Title 14.30.](#)

Recreational Marijuana Sensitive Use Buffer Boundary Map

Agenda Item 2



Sensitive Use Information

- 1000' Buffer
- Local Schools
- Covington Parks
- Park and Ride
- Library
- Child Care Facility
- Religious Facilities

City of Covington: Zoning Information 1 inch = 700 feet

 Community Commercial	 Mixed Housing/Office ~60 Acres
 General Commercial	 Multifamily Residential 18du/ac ~18 Acres
 High Density Residential 8du/ac	 Neighborhood Commercial
 Industrial	 Town Center ~73 Acres
 Low Density Residential 4du/ac	 Urban Separator
 Med Density Residential 6du/ac	 City Limits
 Mineral	 Downtown Boundary
 Mixed Commercial	




Planning Commission April 21st, 2016
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This map is to be used only for illustrative purposes to generally indicate the city's and state's 1,000 foot sensitive use buffer boundaries for the siting of recreational marijuana businesses. This map should not be used or relied upon to determine actual sensitive use buffer boundaries and the City of Covington does not warrant the accuracy, currency, completeness, or quality of the information provided on this map. The city further disclaims all responsibility or liability for any damage, injury, or loss resulting therefrom.