



DETERMINATION OF NON-SIGNIFICANCE

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION			
Project Title	Recreational Marijuana	File No.	PA 13024
Detailed Project Description	<p>Non-project action proposing development regulations related Chapter 314-55 WAC <i>Marijuana Licenses, Application Process, Requirements, And Reporting</i>. Initial regulations included adoption of a 12-month moratorium (Ordinance No. 2936), which will expire on September 23, 2014. Two permanent development regulations are being considered in advance of the moratorium expiration:</p> <p>Alternative 1: Prohibition Alternative 2: Permanent Development Standards</p>		
Site Address	N/A – Regulations would apply within city limits	APN(s)	N/A
Legal Description (abbreviated)	N/A		
	OWNER	APPLICANT	CONTACT
Name		City of Marysville	Chris Holland
Address		80 Columbia Avenue	80 Columbia Avenue
City, State, ZIP		Marysville, WA 98270	Marysville, WA 98270
THRESHOLD DETERMINATION			
Lead Agency	<input checked="" type="checkbox"/> City of Marysville		
<p>The lead agency has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is NOT required under RCW 43.21C.030(2)(c). This decision was made after review by the City of Marysville of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.</p> <p><input type="checkbox"/> There is no comment period for this DNS</p> <p><input type="checkbox"/> This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on this DNS.</p> <p><input checked="" type="checkbox"/> This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14-days from the date below. Comments must be submitted by: March 20, 2014</p> <p><input type="checkbox"/> This MITIGATED DNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14-days from the date below. Comments must be submitted by:</p>			
SEPA CONTACT			
Name	Chris Holland	Title	Planning Manager
Phone	360.363.8207	E-mail	cholland@marysvillewa.gov
RESPONSIBLE OFFICIAL			
Name	Gloria Hirashima	Title	CAO/CD Director
Address	1049 State Avenue, Marysville, WA 98270		


 Gloria Hirashima, CAO/CD Director

3/6/14
 Date

APPEALS

This DNS may be appealed pursuant to the requirements of MMC 22E.030.180. There is a 15 day appeal period on the DNS that commences from the date the DNS was issued. Any appeal must be addressed to the responsible official, accompanied by a filing fee of \$500.00, and be filed in writing at the City of Marysville Community Development Department, 80 Columbia Avenue, Marysville, WA 98270. **The appeal must be received by 4 p.m., March 21, 2014.** The appeal must contain the items set forth in MMC 22G.010.530.

There is no agency appeal.

DISTRIBUTION

Marysville	Local Agencies & Districts	State & Federal	County	Other
<input type="checkbox"/> Building <input type="checkbox"/> Fire District <input type="checkbox"/> LD (Anne Miller) <input type="checkbox"/> LD (Deryl Taylor) <input type="checkbox"/> LD (Shawn Smith) <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Police <input type="checkbox"/> Public Works (Charlie Burke) <input type="checkbox"/> Public Works (Doug Byde) <input type="checkbox"/> Public Works (John Cowling) <input type="checkbox"/> Public Works (Karen Latimer) <input type="checkbox"/>	<input checked="" type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input checked="" type="checkbox"/> Everett (city) <input type="checkbox"/> Frontier <input checked="" type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Lake Stevens SD 4 <input type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input type="checkbox"/> PUD No. 1 (electric) <input type="checkbox"/> PUD No. 1 (water) <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input type="checkbox"/> DOE (Bellevue) <input checked="" type="checkbox"/> DOE (Olympia - Env. Review) <input type="checkbox"/> DOE (SEPA - Greta Stough) <input type="checkbox"/> DOE (Shorelands - G. Tallent) <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Olympic Pipeline <input type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes <input type="checkbox"/> <input type="checkbox"/>

**CITY OF MARYSVILLE
ENVIRONMENTAL CHECKLIST
RCW 197-11-960**

**Recreational Marijuana – Development Regulations
PA 13024**

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Use of checklist for non-project proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply". In addition, complete the *Supplemental Sheet for Non-Project Action (part D)*.

For non-project actions, the references in the checklist to the words "project", "applicant", and "property or site" should be read as "proposal", "proposer", and "affected geographic area", respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:
**Recreational Marijuana – Development Regulations
PA 13024**
2. Name of applicant:
City of Marysville
3. Address and phone number of applicant and contact person:
**Chris Holland
City of Marysville
Community Development Department
80 Columbia Avenue
Marysville, WA 98270
360.363.8207
cholland@marysvillewa.gov**
4. Date checklist prepared:
March 5, 2014
5. Agency requesting checklist:
City of Marysville
6. Proposed timing or schedule (including phasing, if applicable):
September 2014

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

An environmental checklist was prepared and a SEPA Threshold Determination of Non-significance (DNS) was issued on August 12, 2013. The DNS was issued in advance of adoption of a 12-month moratorium on the acceptance of any development permit applications or business license application for marijuana facilities. The 12-month moratorium was adopted by Ordinance No. 2936 on September 9, 2013 and effective on September 23, 2013. The moratorium will expire on September 23, 2014.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

Marysville City Council Ordinance Adoption

11. Give brief, complete description of your proposal, including all proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

NON-PROJECT action proposing development regulations related Chapter 314-55 WAC *Marijuana Licenses, Application Process, Requirements, And Reporting*. Initial regulations included adoption of a 12-month moratorium (Ordinance No. 2936), which will expire on September 23, 2014. Two permanent development regulations are being considered in advance of the moratorium expiration:

Alternative 1: Prohibition (attached)

Alternative 2: Permanent Development Standards (attached)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topography map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications to this checklist.

Development regulations apply within Marysville city limits.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat, rolling, hilly, steep slopes, mountainous, other.

N/A – Non-project action, proposing adoption of development regulations.

- b. What is the steepest slope on the site (approximate percent slope)?

N/A – Non-project action, proposing adoption of development regulations.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of the agricultural soils, specify them and note any prime farmland.

N/A – Non-project action, proposing adoption of development regulations.

- d. Are there any surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A – Non-project action, proposing adoption of development regulations.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

N/A – Non-project action, proposing adoption of development regulations.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A – Non-project action, proposing adoption of development regulations.

- g. About what percent of the site will be covered with impervious surfaces after the project construction (for example, asphalt or buildings)?

N/A – Non-project action, proposing adoption of development regulations.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A – Non-project action, proposing adoption of development regulations.

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A – Non-project action, proposing adoption of development regulations.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A – Non-project action, proposing adoption of development regulations.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A – Non-project action, proposing adoption of development regulations.

3. WATER

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A – Non-project action, proposing adoption of development regulations.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A – Non-project action, proposing adoption of development regulations.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A – Non-project action, proposing adoption of development regulations.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A – Non-project action, proposing adoption of development regulations.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A – Non-project action, proposing adoption of development regulations.

- 6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A – Non-project action, proposing adoption of development regulations.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground waters? Give general description, purpose, and approximate quantities if known.

N/A – Non-project action, proposing adoption of development regulations.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A – Non-project action, proposing adoption of development regulations.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A – Non-project action, proposing adoption of development regulations.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A – Non-project action, proposing adoption of development regulations.

- d. Proposed measure to reduce or control surface, ground and runoff water impacts, if any:
None proposed.

4. PLANTS

- a. ***Bold/italic*** types of vegetation found on the site:
- . deciduous tree: alder, maple, aspen, other
 - . evergreen tree: fir, cedar, pine, other
 - . shrubs
 - . grass
 - . pasture
 - . crop or grain
 - . wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 - . water plants: water lily, eelgrass, milfoil, other
 - . other types of vegetation

N/A – Non-project action, proposing adoption of development regulations.

- b. What kind and amount of vegetation will be removed or altered?
None proposed.
- c. List threatened or endangered species known to be on or near the site.
None known.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
None proposed.

5. Animals

- a. ***Bold/italic*** any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

N/A – Non-project action, proposing adoption of development regulations.

- b. List any threatened or endangered species known to be on or near the site.
None known.
- c. Is the site part of a migration route? If so, explain.
Snohomish County, west of the Cascade Mountains, is part of the Pacific Flyway. This includes the City of Marysville and the subject property.
- d. Proposed measure to preserve or enhance wildlife, if any:
None proposed.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A – Non-project action, proposing adoption of development regulations.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A – Non-project action, proposing adoption of development regulations.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

N/A – Non-project action, proposing adoption of development regulations.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

No

- 1) Describe special emergency services that might be required.

N/A – Non-project action, proposing adoption of development regulations.

- 2) Proposed measures to reduce or control environmental health hazards, if any.

N/A – Non-project action, proposing adoption of development regulations.

- b. Noise

- 1) What types of noise exist in the area which may affect your project for example: traffic, equipment, operation, other)?

N/A – Non-project action, proposing adoption of development regulations.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A – Non-project action, proposing adoption of development regulations.

- 3) Proposed measures to reduce or control noise impacts, if any:

None proposed.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

There is a full mix of uses within city limits. The proposal will include consideration of appropriate zoning and development regulations for marijuana facilities.

- b. Has the site been used for agriculture? If so, describe.

N/A – Non-project action, proposing adoption of development regulations.

- c. Describe any structures on the site.
N/A – Non-project action, proposing adoption of development regulations.
- d. Will any structures be demolished? If so, what?
N/A – Non-project action, proposing adoption of development regulations.
- e. What is the current zoning classification of the site?
N/A – Non-project action, proposing adoption of development regulations.
- f. What is the current comprehensive plan designation of the site?
N/A – Non-project action, proposing adoption of development regulations.
- g. If applicable, what is the current shoreline master program designation for the site?
N/A – Non-project action, proposing adoption of development regulations.
- h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.
N/A – Non-project action, proposing adoption of development regulations.
- i. Approximately how many people would reside or work in the completed project?
N/A – Non-project action, proposing adoption of development regulations.
- j. Approximately how many people would the completed project displace?
N/A – Non-project action, proposing adoption of development regulations.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A – Non-project action, proposing adoption of development regulations.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Adoption of development regulations for marijuana facilities will consider appropriate zoning in order to ensure compatibility with existing and future uses and plans.

9. Housing

- a. Approximately how many housing units would be provided, if any? Indicate whether high, middle, or low-income housing.
None
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
None
- c. Proposed measures to reduce or control housing impacts, if any:
N/A – Non-project action, proposing adoption of development regulations.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal, exterior building material(s) proposed?

N/A – Non-project action, proposing adoption of development regulations.

- b. What views in the immediate vicinity would be altered or obstructed?

N/A – Non-project action, proposing adoption of development regulations.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A – Non-project action, proposing adoption of development regulations.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

- c. What existing off-site sources of light or glare may affect your proposal?

N/A – Non-project action, proposing adoption of development regulations.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None

12. Recreation

- a. What designated and informal recreation opportunities are in the immediate vicinity?

N/A – Non-project action, proposing adoption of development regulations.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Marijuana facilities are required to be located a minimum of 1,000' away from any recreation facilities in order to reduce any negative impacts to park facilities.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be or next to the site? If so, generally describe.

None known.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known.

- c. Proposed measures to reduce or control impacts, if any:

N/A – Non-project action, proposing adoption of development regulations.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

This is a non-project action. Development regulations for marijuana facilities will consider access streets, and appropriate service areas.

- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes, Community Transit has public transit stops located along State Avenue, Smokey Point Boulevard, Grove Street and 67th Avenue NE within city limits.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A – Non-project action, proposing adoption of development regulations.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A – Non-project action, proposing adoption of development regulations.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

N/A – Non-project action, proposing adoption of development regulations.

- g. Proposed measures to reduce or control transportation impacts, if any:

N/A – Non-project action, proposing adoption of development regulations.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

The non-project action will not result and any increased need for public services. Future operation of marijuana facility may result in an increase in fire and police protection, and potentially an increase in health care.

- b. Proposed measures to reduce or control direct impacts on public services, if any:

N/A – Non-project action, proposing adoption of development regulations.

16. Utilities

- a. ***Bold/italic*** utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

N/A – Non-project action, proposing adoption of development regulations.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A – Non-project action, proposing adoption of development regulations.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date: 3/5/14

Proponent: City of Marysville
Address: 1049 State Avenue, Marysville, WA 98270
Phone: 360.363.8000
Web Page: <http://marysvillewa.gov/>

Contact: Chris Holland, Planning Manager
Address: 80 Columbia Avenue, Marysville, WA 98270
Phone: 360.363.8207
E-mail: cholland@marysvillewa.gov

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed NON-PROJECT action would not increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Future project actions would be subject to all applicable federal, state and city regulations related to increased discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

Proposed measures to avoid or reduce such increases are:

Future project actions will require project level review for all projects occurring within city limits and coordination with all affected agencies and governments.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed NON-PROJECT action adoption of development regulations for marijuana facilities will not have an effect on plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Future project actions will require consistency with the city's development regulations and Washington State Department of Fish and Wildlife Hydraulic Permit Approvals (HPA), as necessary, in order to protect or conserve plants, animals, fish, or marine life.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed NON-PROJECT action proposing adoption of development regulations for marijuana facilities are not likely to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

Future project actions would require compliance with UBC, UPC, UMC and Energy Codes.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed NON-PROJECT action proposing adoption of development regulations for marijuana facilities are not likely to use or affect environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Future project actions will require compliance with the Chapter 22E.010 MMC *Critical Areas Management*, individual State Environmental Policy Act Review (SEPA) and compliance with the City's Comprehensive Plan and Development Codes.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed NON-PROJECT action proposing development regulations for marijuana facilities is not likely to affect land and shoreline use, nor would it encourage land or shoreline uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Future project actions would be required to comply with the City's Shoreline Management Master Program.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed NON-PROJECT action proposing development regulations for marijuana facilities is not likely to increase demand on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

Future project actions would be required to comply with all applicable State, County and City development regulations related to transportation and utility impacts, transportation related impact fees and utility capital improvement charges for the various services necessary to serve the future facility.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed NON-PROJECT action proposing development regulations for marijuana facilities will not conflict with local, state, or federal laws or requirements for the protection of the environment.

Alternative 1 – Prohibition

Section 1. MMC 22A.020.040 is hereby amended by amending Section “C” definitions to amend the following definition:

“Cannabis or Marijuana” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and usable cannabis.

Section 2. MMC 22A.020.140 is hereby amended by amending Section “M” definitions to add the following definitions:

“Marijuana Use” includes an store, agency, organization, dispensary, cooperative, network consultation, operation, or other business entity, group or person, no matter how described or defined, including any associated premises and equipment which has for its purpose or which is used to grow, select, measure, process, package, label, deliver, dispense, sell or otherwise transfer for consideration, or otherwise, marijuana in any form.

“Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana unto useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana infused products’ does not include useable marijuana.

“Marijuana retailer” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

Section 3. MMC 22A.020.190 is hereby amended by amending Section “R” definitions to add the following definition:

“Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

Section 4. MMC 22A.020.220 is hereby amended by amending Section “U” definitions to add the following definition:

“Useable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

Section 5. MMC Section 22C.010.060 table entitled "Permitted uses" Residential Zones is hereby amended as follows (all other provisions of MMC 22C.010.060 table entitled "Permitted uses" remain unchanged and in effect):

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4- 8	R-12	R-18	R-28	WR R-6- 18	R- MHP
Government/Business Service Land Uses									
State-Licensed Marijuana Facilities:									
Marijuana Processing Facility – Indoor Only (48)									
Marijuana Production Facility – Indoor Only (48)									
Marijuana Retail Facility (48)									

Section 6. MMC Section 22C.010.070 entitled "Permitted uses – Development conditions" is hereby amended to add a new footnote 48 which shall read as follows: (48) No person or entity may produce, grow, manufacture, process, accept donations for, or sell marijuana or marijuana infused products within Residential zones in the City.

Section 7. MMC Section 22C.020.060 table entitled "Permitted uses" Commercial, Industrial, Recreation and Public Institutional zones is hereby amended as follows (all other provisions of MMC 22C.020.060 table entitled "Permitted uses" remain unchanged and in effect):

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Government/Business Service Land Uses										
State-Licensed Marijuana Facilities:										
Marijuana Processing Facility – Indoor Only (69)										
Marijuana Production Facility – Indoor Only (69)										
Marijuana Retail Facility (69)										

Section 8. MMC Section 22C.020.070 entitled "Permitted uses – Development conditions" is hereby amended to add a new footnote 69 which shall read as follows: (69) No person or entity may produce, grow, manufacture, process, accept donations for, or sell marijuana or marijuana infused products within Commercial, Industrial, Recreation and Public Institutional zones in the City.

Alternative 2 – Marijuana Facility Development Standards

Section 1. MMC 22A.020.040 is hereby amended by amending Section “C” definitions to amend the following definition:

“Cannabis or Marijuana” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and usable cannabis.

“Child care center” (definition related to recreational marijuana facilities regulations only) 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.

Section 2. MMC 22A.020.060 is hereby amended by amending Section “E” definitions to add the following definitions:

“Elementary school” (definition related to recreational marijuana facilities regulations only) means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

Section 3. MMC 22A.020.080 is hereby amended by amending Section “G” definitions to add the following definitions:

“Game arcade” (definition related to recreational marijuana facilities regulations only) means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where per-sons under twenty-one years of age are not restricted.

Section 4. MMC 22A.020.130 is hereby amended by amending Section “L” definitions to add the following definitions:

“Library” (definition related to recreational marijuana facilities regulations only) means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

Section 5. MMC 22A.020.140 is hereby amended by amending Section “M” definitions to add the following definitions:

“Marijuana Use” includes an store, agency, organization, dispensary, cooperative, network consultation, operation, or other business entity, group or person, no matter how described or defined, including any associated premises and equipment which has for its purpose or which is used to grow, select, measure, process, package, label, deliver, dispense, sell or otherwise transfer for consideration, or otherwise, marijuana in any form.

“Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana unto useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana infused products" does not include useable marijuana.

"Marijuana retailer" means a person licensed by the State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.

Section 6. MMC 22A.020.170 is hereby amended by amending Section "P" definitions to add the following definitions:

"Playground" (definition related to recreational marijuana facilities regulations only) means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

"Public park" (definition related to recreational marijuana facilities regulations only) means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a base-ball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

"Public transit center" (definition related to recreational marijuana facilities regulations only) 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.

Section 7. MMC 22A.020.190 is hereby amended by amending Section "R" definitions to add the following definition:

"Recreation center or facility" (definition related to recreational marijuana facilities regulations only) 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.

"Retail outlet" means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

Section 8. MMC 22A.020.200 is hereby amended by amending Section "S" definitions to add the following definition:

"Secondary school" (definition related to recreational marijuana facilities regulations only) means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

Section 9. MMC 22A.020.220 is hereby amended by amending Section "U" definitions to add the following definition:

"Useable marijuana" means dried marijuana flowers. The term "usable marijuana" does not include marijuana-infused products.

Section 10. A new section MMC 22C.190.030 "Prohibited Home Occupations" is hereby created as follows:

MMC 22C.190.030 Prohibited Home Occupations.

Prohibited home occupations are enterprises which may create objectionable noise, fumes, odor, dust or electrical interference and may involve hazardous materials or on-site storage of petroleum products, and which are not compatible with residential development. The following is a nonexhaustive list of examples of such prohibited enterprises:

- (1) Automobile, truck and heavy equipment repair;
- (2) Autobody work or painting;
- (3) Parking and storage of heavy equipment;
- (4) Storage of building materials for use on other properties;
- (5) Marijuana production, processing or retail facility; or
- (6) Similar types of enterprises.

Section 13. MMC Section 22C.010.060 table entitled "Permitted uses" Residential Zones is hereby amended as follows (all other provisions of MMC 22C.010.060 table entitled "Permitted uses" remain unchanged and in effect):

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4- 8	R-12	R-18	R-28	WR R-6- 18	R- MHP
Government/Business Service Land Uses									
State-Licensed Marijuana Facilities:									
Marijuana Processing Facility – Indoor Only (48)									
Marijuana Production Facility – Indoor Only (48)									
Marijuana Retail Facility (48)									

Section 14. MMC Section 22C.010.070 entitled "Permitted uses – Development conditions" is hereby amended to add a new footnote 48 which shall read as follows: (48) No person or entity may produce, grow, manufacture, process, accept donations for, or sell marijuana or marijuana infused products within Residential zones in the City.

Section 15. MMC Section 22C.020.060 table entitled "Permitted uses" Commercial, Industrial, Recreation and Public Institutional Zones is hereby amended as follows (all other provisions of MMC 22C.020.060 table entitled "Permitted uses" remain unchanged and in effect):

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Government/Business Service Land Uses										
State-Licensed Marijuana Facilities:										
Marijuana Processing Facility – Indoor Only (69)							P			
Marijuana Production Facility – Indoor Only (69)							P			
Marijuana Retail Facility (69)			P							

Section 16. MMC Section 22C.020.070 entitled "Permitted uses – Development conditions" is hereby amended to add a new footnote 69 which shall read as follows: (69) State-Licensed Marijuana Facilities must obtain a marijuana facility permit from the city and comply with the development standards outlined in Chapter 22C.280 MMC.

Section 17. A new Chapter 22C.280 MMC "State-Licensed Marijuana Facilities" is hereby created as follows:

Chapter 22C.280
State-Licensed Marijuana Facilities

Sections:

22C.280.010 Purpose.

22C.280.020 Permit review process.

22C.280.030 Development standards.

22C.280.040 Marijuana retail facility map.

22C.280.050 Marijuana processing and production facility map.

22C.280.010 Purpose.

The purpose of this chapter is to outline the development standards and citing of marijuana facilities within the City of Marysville.

22C.280.020 Permit review process.

- (1) A marijuana facility permit shall be required prior to establishing such a use. The prospective marijuana facility operator (property owner or lessee), shall apply for the marijuana facility permit and shall be responsible for compliance with all conditions of the permit.
- (2) Application process.
 - (a) A marijuana facility permit shall be processed as set forth in Chapter 22G.010 MMC, Article V, Code Compliance and Director Review Procedures.
 - (b) Application fees. Permit processing fees for a marijuana facility shall be established in MMC 22G.030.020.
 - (c) If the marijuana facility permit application meets all of the requirements specified in MMC 22C.280.020(3), then the application shall be deemed complete and the community development department shall circulate copies of the application materials to relevant city departments who shall review the application and furnish the community development department with a report as to the effect of the proposed use on the public health, safety and general welfare, and containing their recommendations as to the approval of the permit.
 - (d) Decision. If the community development director finds that appropriate provisions have been made according to the requirements of MMC 22C.280.030, then the marijuana facility permit shall be granted. If the community development director finds that the proposed marijuana facility does not make appropriate provisions according to the requirements of MMC 22C.280.030, the city may disapprove or return it to the applicant for modification and conditions of approval.
 - (e) Public notice. A marijuana facility permit is exempt from the public notice requirements set forth in MMC 22G.010.090 and MMC Section 22G.010.150.
 - (f) Appeals. Decisions of the community development director may be appealed. Such appeals shall be heard and decided by the hearing examiner in accordance with procedures set forth in Chapter 22G.060 MMC, Hearing Examiner.
- (3) Application submittal.
 - (a) The applicant shall be required to submit a land use application, supplied by the community development department.
 - (b) The applicant shall specifically describe, to the satisfaction of the community development director, how the proposed marijuana facility complies with the development standards outlined in MMC 22C.280.030.

- (c) Site plan. The applicant shall provide an accurate site plan containing the following information:
 - (i) The name or title of the proposed marijuana facility;
 - (ii) The date, north arrow and appropriate engineering scale as approved by the community development department (e.g., one inch equals 20 feet; one inch equals 30 feet; one inch equals 40 feet; one inch equals 50 feet; one inch equals 60 feet);
 - (iii) Property lines and dimensions;
 - (iv) Adjacent land use(s);
 - (v) Existing and proposed structure location(s) and size;
 - (vi) Floor plan identifying the proposed use(s);
 - (vii) Location and name of existing and proposed streets and right-of-way;
 - (viii) The location of existing driveways;
 - (ix) All easements and uses include the references to auditor's file numbers;
 - (x) Existing and proposed utility services; and
 - (xi) Fire hydrant location and distance.
- (d) The applicant shall provide their approved state-licensed marijuana facility permit.
- (4) Failure to Comply. If a marijuana facility permit has been issued, and the community development director determines that the applicant has violated any conditions of that permit, the director shall issue a notice of violation and required compliance in accordance with the procedures set forth in Chapter 4.02 MMC, Enforcement Procedures. Failure to correct the violation after a reasonable time for compliance shall result in revocation of the permit. In such an event all activities associated with the marijuana facility shall cease immediately.

22C.280.030 Development standards.

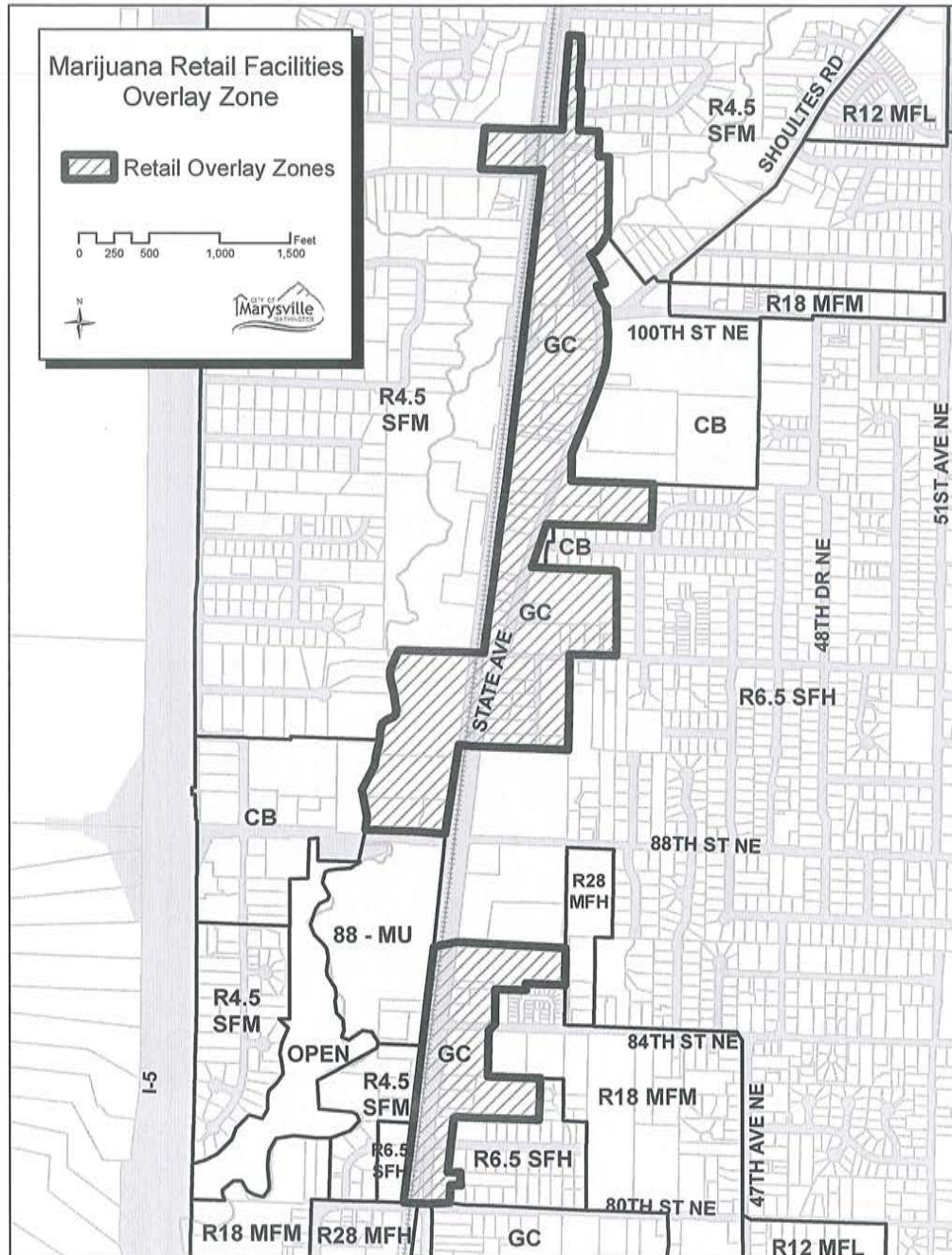
All state-licensed marijuana facilities shall meet the following development standards:

- (1) All facilities must be state-licensed and comply with all requirements of state law and the Washington State Liquor Control Board's regulations for state-licensed marijuana facilities.
- (2) No marijuana facility shall be allowed in a Residential (R) zone.
- (3) No marijuana facility shall be allowed as a home occupation.
- (4) No marijuana facility shall be located in a mobile or temporary structure.
- (5) No marijuana facility shall locate on a site or building with non-conforming status.
- (6) No marijuana facility shall be an accessory use to a primary use.
- (7) Location:
 - (a) A marijuana retail facility shall not be allowed on a single parcel which contains a marijuana processing facility, or marijuana production facility. A marijuana processing facility and a marijuana production facility can be located on a single parcel only if located within the same fully-enclosed and secure building.
 - (b) Marijuana processing facilities, production facilities and retail facilities shall be located in a fully-enclosed and secure building. Outdoor marijuana, processing facilities, production facilities and retail facilities shall be prohibited.
 - (c) A marijuana retail facility shall only be allowed to locate within the General Commercial zones as mapped in MMC 22C.280.040.
 - (d) Marijuana processing facilities and marijuana production facilities shall only be allowed to locate within the mapped areas identified in MMC 22C.280.050.
 - (e) A state-licensed marijuana facility shall not be located within 1,000 feet of the perimeter of a parcel, which has at least one of the land uses listed below:
 - (i) Elementary or secondary school (public or private);
 - (ii) Playground;
 - (iii) Recreation center or facility;

- (iv) Child care center;
 - (v) Public park;
 - (vi) Any public or regional trail;
 - (vii) Public transit center;
 - (viii) Library;
 - (ix) Any game arcade, which allows admission to persons less than 21 years of age;
 - (x) Any church, synagogue or temple.
- (8) Hours. A marijuana retailer licensee may sell usable marijuana, marijuana-infused products, and marijuana paraphernalia between the hours of 10:00 a.m. and 8:00 p.m.
- (9) Size: State-licensed marijuana production facilities shall be limited to a total of 2,000 square feet of plant canopy or less.
- (10) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
- (11) All fertilizers, chemicals, gases and hazardous material shall be handled in compliance with all applicable local, state and federal regulations and shall not be allowed to enter a sanitary sewer or stormwater system nor be released into the atmosphere outside of the structure where the facility is located.
- (12) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located.
- (13) No use that constitutes or purports to be a marijuana producer or processor engaged in activity prior to the enactment of the ordinance shall be deemed to have been a legally established use and cannot claim legal nonconformance.
- (14) A City of Marysville business license pursuant to Chapter 5.02 MMC and a state license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of marijuana facility operations.
- (15) All marijuana facilities shall comply with Chapter 19.27 RCW, State Building Code, and Title 16 MMC, Building. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.
- (16) Advertising. In accordance with WAC 314-55-155, each state-licensed retail facility may have one sign, limited to sixteen hundred square inches (11.11 square feet), identifying the retail outlet by the licensee's business name or trade name that is affixed or hanging in the windows or on the outside of the premises that is visible to the general public from the public right-of-way. Pursuant to MMC 22C.160.030 is shall be unlawful to erect or display a sign in the city without a sign permit issued by the community development department.

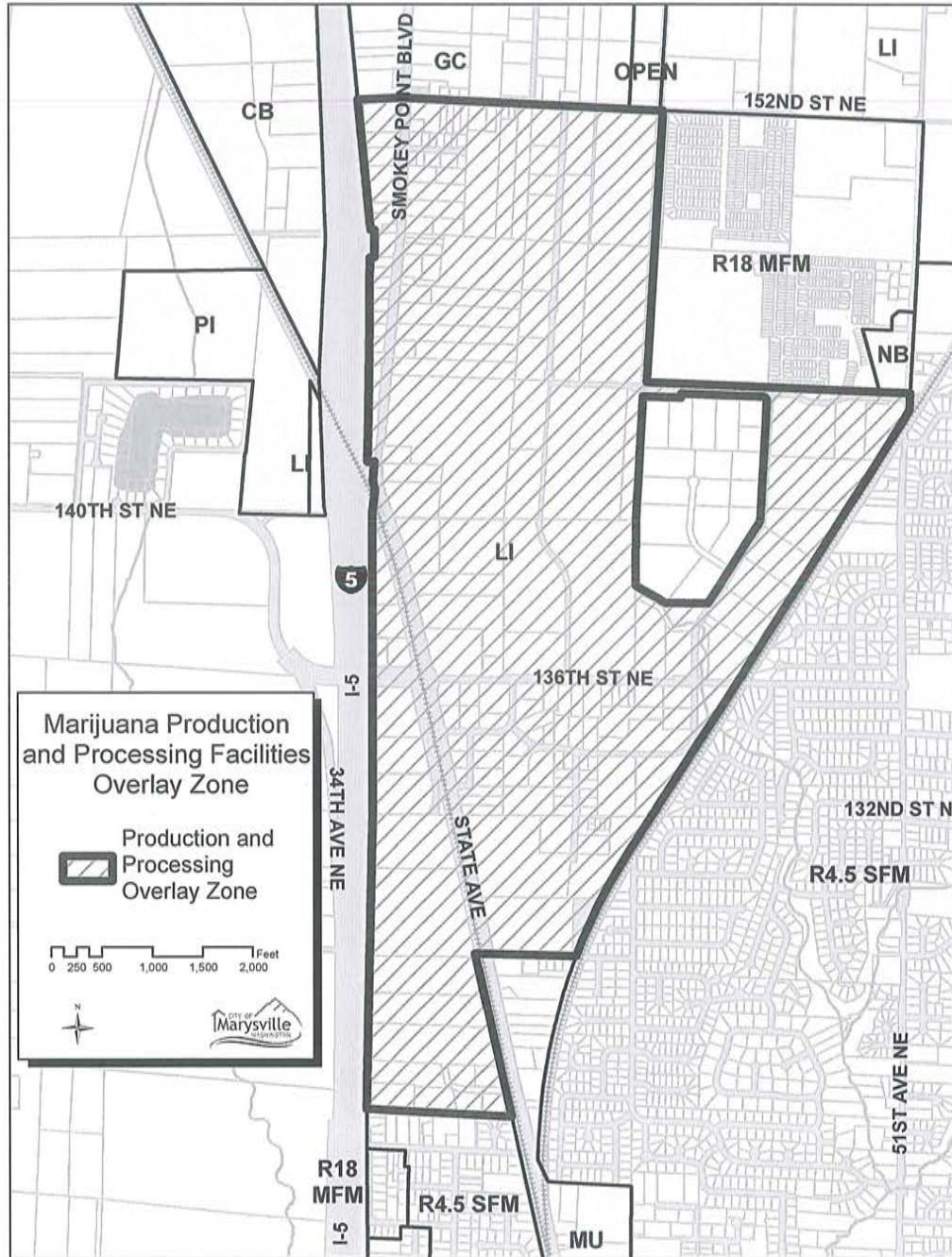
22C.280.040 Marijuana retail facility map.

Marijuana retail facilities shall be allowed to be established if in compliance with all of the application provisions outlined in MMC 22C.280.030, and only if located within the following mapped area(s):



22C.280.050 Marijuana processing and production facility map.

Marijuana processors and producers shall be allowed to be established if in compliance with all of the application provisions outlined in MMC 22C.280.030, and only if located within the following mapped area(s):



Section 18. MMC Section 22G.010.300 entitled "Code compliance review – Actions subject to review" is hereby amended as follows:

22G.010.300 Code compliance review – Actions subject to review.

The following actions shall be subject to administrative review by the community development director, or designee, for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

- (1) Building permits;
- (2) Grading permits; and
- (3) Temporary use permits; and
- (4) Marijuana facility permits.

Section 19. MMC Section 22G.030.020 entitled "General fee structure" is hereby amended as follows (all other provisions of MMC 22G.030.020 table entitled "General fee structure" remain unchanged and in effect):

22G.030.020 General fee structure.

The community development department is authorized to charge and collect the following fees:

Type of Activity	Fee
Land Use Review Fees	
Administrative approval (bed and breakfast, accessory dwelling unit, <u>marijuana facility permit</u> or similar request)	\$250.00

Section 20. MMC Section 22G.010.150 entitled "Administrative approvals without notice" is hereby amended as follows:

- (1) The director may approve, approve with conditions, or deny the following without notice:
 - (a) Boundary line adjustments;
 - (b) Extension of time for approval;
 - (c) Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not:
 - (i) Affect overall project character;
 - (ii) Increase the number of lots, dwelling units, or density; or
 - (iii) Decrease the quality or amount of open space;
 - (d) Home occupations;
 - (e) Critical areas management determinations made by the community development director pursuant to Chapter 22E.010 MMC;
 - (f) Bed and breakfast permits;
 - (g) Accessory dwelling units;
 - (h) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit if permitted outright;
 - (i) Site plan with administrative conditional use permit; and
 - (j) A marijuana facility permit.
- (2) Director's decisions under this section shall be final on the date issued.