



A G E N D A

PLANNING COMMISSION

Connie Coleman-Lacadie • Don Daniels
Nancy Hudson-Echols • Robert Estrada
James Guerrero • Paul Wagemann
Christopher Webber

Regular Meeting

Wednesday, February 7, 2018

City Hall Council Chambers

6000 Main Street SW, Lakewood, Washington

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes from January 17, 2017**
- 4. Agenda Update**
- 5. Public Comments**
(Each person will be allowed 3 minutes to speak, to a total of 15 minutes per topic.
Groups with a designated speaker may have a total of 10 minutes to speak.)
- 6. Public Hearings**
 - None
- 7. Unfinished Business**
 - Star Lite Land Use & Development Code Text Amendment
 - Proposed Marijuana Regulations
 - Draft Ordinance Prohibiting Marijuana
 - Draft Ordinance Allowing Marijuana Retail Sales Subject to Local Regulations
 - Proposed Adult Family Homes and Essential Services Facilities Regulations
- 8. New Business**
 - Vote for new Chair and Vice-Chair positions
- 9. Report from Council Liaison**

- Mr. Mike Brandstetter

10. Reports from Commission Members & Staff

- Written Communications
- Future Agenda Topics
- Area-Wide Planning/Land Use Updates
- Other

Enclosures

1. Draft Meeting Minutes from January 17, 2017
2. Star Lite Staff Report LU-17-00256; LU-17-00257
3. Star Lite Draft Resolution
4. MJ Staff Report Prohibition
5. MJ Draft Resolution Prohibition
6. MJ Staff Report Regulation
7. MJ Draft Resolution Regulation
7. a. Potential Marijuana Overlay Map Commercial Zoning Boundary
8. Written Comments Received After Public Hearings:
 8. a. Three petitions dated January 31, 2018
 8. b. Written statement submitted by the Clover Park School District
 8. c. Email from Robert Ketner dated January 27, 2018
 8. d. Email from Terry Burns dated January 27, 2018
 8. e. Email from Alan Billingsley dated January 26, 2018
 8. f. Email from Kismet Kechejian dated January 25, 2018
 8. g. Email from Sherrie L. Nicholson dated January 25, 2018
 8. h. Email from Michelle Rowe dated January 17, 2018
 8. i. John Arbeeney written response read aloud at public hearing January 17, 2018
 8. j. Jordan Michaelson talking points at public hearing January 17, 2018
 8. k. Connor Novicky talking points at public hearing January 17, 2018
9. Adult Family Homes and Essential Services Facilities Staff Report
10. AFH Draft Resolution
11. DSHS Exhibit A
12. DSHS Exhibit C
13. Process To Nominate

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday at noon, February 6, 2018 if you are unable to attend. Thank you.



**PLANNING COMMISSION
REGULAR MEETING MINUTES
January 17, 2018
City Hall Council Chambers
6000 Main Street SW
Lakewood, WA 98499**

Call to Order

The meeting was called to order at 6:30 p.m. by Mr. Don Daniels, Chair.

Roll Call

Planning Commission Members Present: Don Daniels, Chair; Robert Estrada, Vice - Chair; Connie Coleman-Lacadie, Paul Wagemann and Nancy Hudson-Echols and James Guerrero

Planning Commission Members Excused: None

Planning Commission Members Absent: Christopher Webber

Staff Present: David Bugher, Assistant City Manager, Community Development; Eileen McKain, Assistant City Attorney; and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Mr. Michael Brandstetter

Approval of Minutes

The minutes of the meeting held on January 3, 2018 were approved as written by voice vote, M/S/C Wagemann/Hudson-Echols. The motion to approve the minutes passed unanimously, 6-0.

Agenda Update

No changes were requested.

Public Comments

None

Public Hearings

Star Lite Swap Meet Text Amendment

Director Bugher reiterated information on the background of the text amendment noting it resolves an outstanding lawsuit, and that the proposal has no environmental impact. He also stated that the proposal complies with the standards listed in the development code pertaining to the amendment process. The proposal would allow the Star-Lite Market Square property to be a legal conforming use under the C2 zoning regulations. A draft ordinance was provided to commissioners for their review and discussion at the next meeting in which they will vote on the recommendation to send forward to Council.

Mr. Don Daniels, Chair, opened the floor for comment at the public. No one stepped forward to speak on this topic. **Mr. Don Daniels, Chair closed the floor for public**

comment. After a brief discussion with commissioners he added that the written comment period would remain open until the next meeting on February 7, 2018, where the discussion on recommendation would be made.

Marijuana Regulations

Mr. Bugher explained there were two proposed draft ordinances either enacting a prohibition of all medical and recreational marijuana uses; or, establishing a marijuana business overlay district that provides for retail uses.

Mr. Bugher read a written comment letter received from Mr. John Arbeeny, Lakewood citizen in opposition of allowing retail marijuana sales. The letter addressed his personal experiences with marijuana use and interactions as a rental property owner being asked to allow marijuana retail sales on his property.

Mr. Daniels, Chair, opened the floor for comment at the public hearing regarding marijuana regulations.

Mr. Jordan Michelson, Lakewood, who holds a State issued marijuana business license, spoke in favor of allowing marijuana retail sales within Lakewood commenting that businesses would help the economy by providing jobs and strict regulations on sales provide public safety and accountability by the retail owner.

Mr. Chris Terronez, Tacoma resident, spoke in favor of allowing retail marijuana sales within the City citing proven medicinal benefits of cannabis and CBD oil.

Ms. Oren Tovar, Lakewood, spoke in favor of allowing retail marijuana sales within the City. Ms. Tovar spoke of personal experience in using cannabis to ease difficult nausea during chronic pancreatitis attacks.

Mr. Larry Michelson, Lakewood, spoke in favor of allowing retail marijuana sales within the City because the majority of voters want access.

Mr. Connor Novicky, Tacoma resident, Sales Manager at Cannabis Cashier, spoke in favor of retail marijuana sales citing studies of safety measures involved with these businesses are deterring crime as opposed to creating an environment where crime is allowed to flourish.

Ms. Cynthia Macklin, Lakewood, who holds a state issued marijuana business license spoke in favor of allowing retail marijuana sales within the City noting there is no evidence that marijuana is a gateway drug and that since legalization by Washington State opiate use within the state has decreased.

Mr. Ed Tuck, III, Lakewood, husband of Cynthia Macklin, spoke in favor of allowing retail marijuana sales within the City. He promised to make the City proud with a safe, first-class facility if they were granted a business license within Lakewood.

Ms. Sharon Taylor, Lakewood, whose father worked as a Pierce County Sheriff spoke in favor of allowing retail marijuana sales within the City stating too much money had already been spent to continually say no to voters.

Ms. Nancy Baker, Lakewood, spoke in opposition of allowing retail sales based on the fact that it is federally illegal.

Mr. Daniels, Chair, closed the floor for public comment. After a brief discussion with commissioners he added that the written comment period would remain open until 5 p.m. the day of the next meeting on February 7, 2018, where the discussion on recommendation would be made.

Adult Family Homes

Mr. Bugher explained to the commission that this proposed action would amend Title 18A defining Adult Family Homes and requiring an AFH to obtain a business license; prohibit clients with a history of violence, including sexual offenses, from occupying an AFH; prohibit an AFH converting into an Enhanced Services Facility (ESF); and prohibiting ESF's in the R1, R2, R3 and R4 single-family residential zoning districts.

Mr. Bugher provided copies of written comments from Ms. Judy Swartz, Lakewood, regarding her concerns over neighborhood safety near adult family homes. A second letter was provided from Mr. Mike Brandstetter who stated his concerns over impact to the environs in Lakewood's single family residential areas.

Mr. Daniels, Chair, opened the floor for comment at the public hearing regarding Adult Family Homes and Essential Services Facilities.

Mr. Guy Allen McFadden, Lakewood, stressed that his neighborhood has AFH residents wandering about the neighborhood lost because staff cannot watch them and urged the City not to allow ESF's in residential neighborhoods.

Mr. John Martin, Lakewood, stressed properly regulating adult family homes.

Mr. Phil Sorenson, Superior Court Judge, Lakewood resident, informed the commissioners he had sentenced Mr. Butterfield to Western State Hospital and highly concerned the Department of Social and Health Services is not screening or thoroughly investigating the placement of violent individuals into AFH's in residential areas. Mr. Sorenson is not in support of allowing placement into adult family homes.

Mrs. Suzy Sorenson, Lakewood, complimented the City on the work done and the importance to regulate AFH owners and staff and prevent high densities in residential neighborhoods.

Mr. Glen Spieth, Lakewood, described his experience with using an adult family home in the Oakbrook neighborhood for his mother's care.

Ms. Shannon shared concerns over availability of safe adult family home options and thanked the City officials for going through this process.

Mr. Don Daniels, Chair, closed the floor for public comment. After a brief discussion with commissioners he added that the written comment period would remain open until 5 p.m. the day of the next meeting on February 7, 2018, where the discussion on recommendation would be made.

Unfinished Business

None

New Business Update

None

Report from Council Liaison

Councilmember Mr. Mike Brandstetter updated the commissioners on the following Council actions:

Council members and the Mayor received communication from the Governor's office that until significant studies have been completed Point Defiance Bypass tracks will not be allowed to resume use.

Contract for improvements at the intersection of 112th St SW & Military Rd has been awarded. The construction is scheduled to begin in late spring or early summer 2018.

Washington Blvd & Gravelly Lk Dr SW is the chosen location of the first large sculpture commissioned by the Arts Board. Mr. Brandstetter elaborated mentioning the Council would like to design Washington Blvd into a true boulevard that would provide continuous flow of traffic but they haven't secured funding for the infrastructure yet.

Reports from Commission Members and Staff

City Council Actions

At this time there is nothing to report from staff.

Written Communications

None

Future Agenda Topics

None

Area-Wide Planning / Land Use Updates

None

Next Meeting: Wednesday, February 7, 2018 at 6:30 p.m. in Council Chambers

Meeting Adjourned at 8:05 p.m.

Don Daniels, Chair
Planning Commission 02/07/2018

Karen Devereaux, Recording Secretary
Planning Commission 02/07/2018

DRAFT



**CITY OF LAKEWOOD
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
FOLLOW-UP STAFF REPORT TO THE PLANNING COMMISSION**

February 7, 2018

Application No(s)	LU-17-00256 (ZOA text amendment) LU-17-00257 (SEPA Checklist)
Applicant	City of Lakewood
Project Description	A PROPOSED ORDINANCE of the City Council of the City of Lakewood, Washington, amending Title 18A, the Land Use and Development Code, to broaden the definition of "flea market" to include both new and used items
Location	Area-wide amendment (Primarily affecting the C2 zone)
Planning Commission Meeting Dates	January 3, 2018 (Study Session) January 17, 2018 (Public Hearing) February 7, 2018 (Tentative date for taking action)
Staff Recommendation	Approve

I. Summary

The City has initiated a settlement agreement with the Star-Lite Market Place Square, LLC, located at 8327 South Tacoma Way. Part of the settlement process requires a minor amendment to the City's Land Use and Development Code. The amendment allows a flea market to sell both new and used goods.

Pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the draft ordinance.

The project has no environmental impact pursuant to the State Environmental Policy Act (SEPA).

This application is a Process V Permit and requires public notice pursuant to LMC 18A.02.545. The application was advertised both the City's newspaper of record and on the City's website.

This amendment was advertised both the City's newspaper of record and on the City's website.

A public hearing was conducted before the planning commission on January 17, 2018. No person or public agency has provided comments to-date.

II. Exhibits

Planning Commission Draft Resolution

PLANNING COMMISSION RESOLUTION NO. 2018 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A TEXT AMENDMENT TO THE LAKEWOOD MUNICIPAL CODE, TITLE 18A, LAND USE AND DEVELOPMENT CODE, TO BROADEN THE DEFINITION OF “FLEA MARKET” TO INCLUDE BOTH NEW AND USED ITEMS

I. RECITALS

WHEREAS, on or about September 23, 2016, Plaintiff Star Lite Garage Sale and Swap Meet (through Hank Bardon), commenced an action in the Superior Court of the State of Washington in and for Pierce County, captioned Complaint for Injunctive Relief, under cause No. 16-2-11339-2 against the City of Lakewood (hereinafter “Complaint” or “Lawsuit”); and

WHEREAS, on or about September, 2016, and over objection of the City of Lakewood, the Pierce County Superior Court entered a Temporary Restraining Order against the City of Lakewood regarding enforcement of certain provisions of the City’s business licensing code; and

WHEREAS, on or about November 21, 2016, the following individuals filed a document captioned Third Party Complaint for Declaratory and Injunctive Relief and Damages and Attorneys Fees against the City of Lakewood, also under Pierce County Cause No. 16-2-11339-2: Dennis Eros, Hubert Young, Victor Lopez, Willbert Illig, Carl Ritmanich, Soo Oh, Jae Park, John Seidl, Gary Wagner, Louis Fontenot, and Ted Bell; and

WHEREAS, the Lawsuit makes various claims and claims for relief against the City of Lakewood, including but not limited to allegations that parts of the City’s business licensing code and regulations are excessive or unduly oppressive or that the City improperly enforces certain regulations and interferes with their business operations; and

WHEREAS, the City of Lakewood denies all responsibility or liability for the claims, damages and actions claimed by Plaintiffs and Intervenor in the Lawsuit, and denies all claims for relief, whether equitable or legal, and all claims for damages, attorneys’ fees and costs; and

WHEREAS, Plaintiffs and the City have engaged in settlement discussions, which discussions have resulted in a settlement proposal which is acceptable to City staff, but which must go through a defined and required approval process and must be considered and approved by the Lakewood City Council following an open public meeting, and the ultimate decision by the Lakewood City Council whether to approve or disapprove of the proposed legislative changes is a discretionary legislative act without assurances of approval or other action; and

WHEREAS, part of the settlement process, it requires an amendment to the City of Lakewood Municipal Code, Title 18A, Land Use and Development Code; and

WHEREAS, the City finds that minor changes to the City’s code are necessary to better implement the purpose of the code; and

WHEREAS, the City initiated a text amendment application to Title 18A Lakewood Municipal Code, Case Nos LU-17-00256 (text amendment), and LU-17-00257 (SEPA); and

WHEREAS, On December 14, 2017, Case Nos LU-17-00256 (text amendment), and LU-17-00257 (SEPA) were deemed completed applications; and

WHEREAS, on December 22, 2017, pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the proposed text amendment; and

WHEREAS, on December 31, 2017, the Washington State Department of Commerce acknowledged receipt of the proposed ordinance text, Material ID # 24487; and

WHEREAS, pursuant to Lakewood Municipal Code (LMC) 18A.02.565, Case Nos LU-17-00256 (text amendment), is a Process V Permit; and

WHEREAS, under LMC 18A.02.565, a Public Hearing is required; and

WHEREAS, the notice of the Public Hearing was published in *The News Tribune* on December 29, 2017; and

WHEREAS, copies of the proposed regulations were transmitted to state and local agencies; and

WHEREAS, the notice of the Public Hearing was also placed on the City's website on December 29, 2017; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared; and

WHEREAS, the Responsible Official on behalf of the City of Lakewood has made a determination that this project does not have a probable significant adverse impact on the environment;

WHEREAS, a Preliminary Determination of Nonsignificance (DNS) was issued under WAC 197-11-340(2); and

WHEREAS, on December 29, 2017, the DNS was published on the Washington State SEPA Register (SEPA # 201706702); and

WHEREAS, a Process V Permit requires public notice pursuant to LMC 18A.02.545; and

WHEREAS, on December 29, 2017, the DNS was published in *The News Tribune* on December 29, 2017; and

WHEREAS, on January 3, 2018, the City of Lakewood Planning Commission conducted a study session on January 3, 2018 regarding Case Nos LU-17-00256 (text amendment), and LU-17-00257 (SEPA); and

WHEREAS, on January 17, 2018, the City of Lakewood Planning Commission conducted an advertised Public Hearing; and

WHEREAS, no persons spoke in favor or against Case Nos LU-17-00256 (text

amendment), and LU-17-00257 (SEPA); and

WHEREAS, the City of Lakewood Planning Commission closed the public hearing on oral testimony, but left the record open for written comments to be received until February 7, 2018 at 5:00 PM.; and **NOW THEREFORE**,

II. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

SECTION 2: The procedural requirements of RCW 36.70A have been complied with.

SECTION 3: The proposed amendment is consistent with the Pierce County Countywide Planning Policies.

SECTION 4: The proposed amendment is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

SECTION 5: The proposed amendment is consistent with the City of Lakewood Comprehensive Plan.

SECTION 6: The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Environmental Protection, Title 14A Critical Areas, and Title 18A Land Use and Development of the City of Lakewood Municipal Code.

SECTION 7: All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 8: All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

SECTION 9: The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the City of Lakewood, Community and Economic Development Department at 6000 Main Street SW, Lakewood, Washington, 98499-5027. The custodian of these documents is the Assistant City Manager for Development Services of the City of Lakewood.

III. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON DOES RECOMMEND AS FOLLOWS:

Title 18A Lakewood Municipal Code shall be amended as follows:

Section 1. 18A.20.600 Commercial Use Category - Land Use Types and Levels.

The Commercial use category includes establishments, facilities, and individuals proving services and the sale, distribution or rental of goods that benefit the daily needs of the general public, which are not otherwise classified in another use category.

....

U. Sales of New and Secondhand Property. Individuals or establishments that sell new and secondhand property. Examples include pawnbrokers; secondhand, antique, junk and/or salvage dealers; and transient traders in secondhand property, including garage sales and flea markets. This use type does not include used or pre-owned automobiles or other vehicles, which are instead treated as Motor Vehicle Sales and Rental Commercial use types, nor wrecking or parts yards, which are instead treated as Salvage/Wrecking Yards and Vehicle Storage Facilities Industrial use types.

Level 1: Antique stores; used bookstores which do not otherwise constitute Sexually Oriented Business Commercial use types; and used clothing, furniture and appliances, jewelry and valuable coins, and valuable collectibles sales.

Level 2: Surplus, military, and miscellaneous sales and flea markets. Flea markets include swap meets but does not include antique malls where stalls are leased, which are instead treated as a Level 1 use listed above. This use type does not include junk and/or salvage dealers, which are instead treated as Salvage/Wrecking Yards and Vehicle Storage Facilities Industrial use types.

Level 3: Pawnshops, subject to the provisions of LMC 5.12. Businesses which are engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property; or which publicly display, at or near their place of business, any sign or symbol generally used by pawnbrokers or indicating that the business loans money on personal property on deposit or pledge.

Section 2. 18A.90.200 Definitions.

In addition to the definitions under Section 18A.90.200, the definitions in Section 14A.165.010 LMC shall apply.

.....
FLEA MARKET. Arrangements whereby a person or persons sell, lease, rent, offer or donate to one (1) or more persons a place or area where such persons may offer or display new, secondhand or junk items.

Section 3. 18A.30.530 Primary Permitted Uses – Commercial Zoning Districts.

The following uses are permitted within the Commercial zoning districts, subject to approval of a zoning certification and all applicable development permits:

.....

D. C2 Zoning District.

37. Sales of New and Secondhand Property (Level 1/2/3)

PASSED, APPROVED, and ADOPTED this 21st day of February, 2018 upon a motion of Commissioner BLANK, seconded by Commissioner BLANK, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chair

ATTEST:

KAREN DEVEREAUX, Secretary

P C D R A F F



**CITY OF LAKEWOOD
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
FOLLOW-UP STAFF REPORT TO THE PLANNING COMMISSION**

February 7, 2018

Application No(s)	LU-17-00254 (ZOA text amendment) LU-17-00260 (SEPA Checklist)
Applicant	City of Lakewood
Project Description	A PROPOSED ORDINANCE of the City Council of the City of Lakewood, Washington, enacting a PROHIBITION of all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research, and retailing, including those marijuana businesses licensed by the Washington State Liquor and Cannabis Board.
Location	Area-wide amendment
Planning Commission Meeting Dates	January 3, 2018 (Study Session) January 17, 2018 (Public Hearing) February 7, 2018 (Review & deliberation of Draft Ordinance) February 17, 2018 (Date set to make recommendation)
Staff Recommendation	No recommendation

I. Summary

At the request of the city council, the planning commission was directed to review proposals for marijuana legislation. One of the proposals would establish a prohibition of all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research, and retailing, including those marijuana businesses licensed by the Washington State Liquor and Cannabis Board.

A draft ordinance to this effect has been prepared and is attached to this report.

Pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the draft ordinance.

The project has no environmental impact pursuant to the State Environmental Policy Act (SEPA).

This application is a Process V Permit and requires public notice pursuant to LMC 18A.02.545. The application was advertised both the City's newspaper of record and on the City's website.

A public hearing was conducted before the planning commission on January 17, 2018. At the hearing, nine persons provided testimony: one person spoke in opposition to allowing marijuana retail sales; eight people spoke in favor of marijuana retail sales; and one person submitted written testimony in opposition to marijuana retail sales.

The commission closed the public hearing for oral testimony, but left open the ability to submit written testimony up until February 7, 2018 at 5:00 PM.

As of this writing, January 31, 2018, three petitions were submitted signed by nine persons requesting the city ban the sale of marijuana.

The Clover Park School District Board and the Clover Park School District Superintendent signed a written statement concerning the accessibility of marijuana being made available in Lakewood as a recreational drug.

Six individuals submitted correspondence/emails in opposition to marijuana activity being allowed in Lakewood.

One person requested clarification on meeting times and places.

II. Next Steps

Review the minutes of the previous planning commission meeting; review the latest correspondence; review the draft resolution; and initiate debate/consideration of the proposed action.

III. Exhibits

Planning Commission Draft Resolution

Potential Overlay Map

Copies of correspondence/emails -

- Three petitions dated January 31, 2018

- Written statement submitted by the Clover Park School District

- Email from Robert Ketner dated January 27, 2018

- Email from Terry Burns dated January 27, 2018

- Email from Alan Billingsley dated January 26, 2018

- Email from Kismet Kechejian dated January 25, 2018

- Email from Sherrie L. Nicholson dated January 25, 2018

- Email from Michelle Rowe dated January 17, 2018

- John Arbeeny written response read aloud at public hearing January 17, 2018

- Jordan Michaelson talking points at public hearing January 17, 2018

- Connor Novicky talking points at public hearing January 17, 2018

PLANNING COMMISSION RESOLUTION NO. 2018 - XX

A RESOLUTION OF THE CITY OF LAKEWOOD PLANNING COMMISSION AMENDING TITLE 18A, LAND USE AND DEVELOPMENT CODE, ESTABLISHING A NEW CHAPTER 18A.04 PROHIBITING THE PRODUCTION, PROCESSING AND RETAIL SALES OF RECREATIONAL MARIJUANA IN ALL CITY OF LAKEWOOD ZONING DISTRICTS

I. RECITALS

WHEREAS, in 1998, the voters of the State of Washington approved Initiative Measure No. 692, now codified as Chapter 69.51A RCW, entitled the Medical Use of Marijuana Act, which created an affirmative defense to state criminal liability for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, the legislature adopted ESSB 5073, with certain provisions vetoed by the Governor, which became effective July 22, 2011, which enacted provisions intended to authorize the establishment and operation of "collective gardens" for medical marijuana purposes subject to land use powers of municipalities within the State of Washington; and

WHEREAS, on November 6, 2012, the voters of the State of Washington approved Initiative Measure No. 502 (Initiative "502") which decriminalized the possession and use of marijuana for "recreational purposes" and established a licensing protocol for marijuana production, processing, and retailing and tasking the Washington State Liquor and Control Board (WSLCB) the responsibility to establish regulation and licensing of marijuana products; and

WHEREAS, the legislature adopted Senate Bill 5052, the Cannabis Patient Protection Act, which changed the name of the former Liquor Control Board to the Liquor and Cannabis Board on July 24, 2015; and

WHEREAS, Congress passed the *Comprehensive Drug Abuse Prevention and Control Act of 1970*, Pub. L. No. 91-513, 84 Stat. 1236, to create a comprehensive drug enforcement regime it called the *Controlled Substances Act*, 21 U.S.C. § 801-971. Under the Controlled Substances Act (also "CSA"), Congress established five "schedules" of controlled substances. Controlled substances are placed in specific schedules based upon their potential for abuse, their accepted medical use in treatment, and the physical and psychological consequences of the abuse of the substance. See U.S.C. § 811(a); and

WHEREAS, under the Controlled Substances Act, it is unlawful to knowingly or intentionally "manufacture, distribute, or dispense, possess with intent to manufacture, distribute, or dispense, a controlled substance," except as otherwise provided in the statute. 21 U.S.C. § 841 (a)(1). Possession of a controlled substance, except as authorized under the Controlled Substances Act, is also unlawful; and

WHEREAS, the United States Supreme Court has held in *Gonzales v. Reich*, 545 U.S. 125 S. Ct. 2195, 162 L. Ed. 2d (2005), that Congress was within its rights and powers under the Commerce Clause to regulate marijuana as a Schedule I controlled substance pursuant to the Controlled Substances Act. And that, under the Supremacy Clause of the U.S. Constitution, the Federal Controlled Substances Act will prevail over any conflicting State law; and

WHEREAS, Court decisions in other jurisdictions have held that local legislation authorizing conduct and uses in violation of the Federal Controlled Substances Act are in conflict with such federal legislation and thus preempted by the federal law [*cf.*, *Pack v. Superior Court*, 199 Cal. App. 4th 1070, (October 2, 2011); *Emerald Steel Fabricators v. Bureau of Labor and Industries*, 348 Or. 159, 230 P. 3d 518 (2010)]; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued an opinion (AGO 2014-2) concluding that Initiative 502 does not preempt counties, cities and towns from banning marijuana production, processing, and retail businesses within their jurisdictions, and concluding that the issuance of a license from the Liquor Control Board does not entitle licensee to locate or operating a marijuana processing, producing, or retail business in violation of local rules or without necessary approval from local jurisdictions concluding that local jurisdictions are permitted under the law to prohibit such activities; and

WHEREAS, WAC 314-55-0200(11) promulgated by the WSLCB under the authority of I-502 describes the license permit process and includes the following limitation:

- (11) The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements; and

WHEREAS, the Washington State Court of Appeals Division I issued a decision in *Cannabis Action Committee, et al. v City of Kent* (March 31, 2014) that ESSB 5073 did not legalize medical marijuana nor collective gardens, upholding the City of Kent's authority to ban medical marijuana, collective gardens and dispensaries; and

WHEREAS, pursuant to Article 11, § 11 of the State Constitution, the general police powers of the City of Lakewood empower and authorize the City of Lakewood to adopt land use controls to provide for the regulation of land uses within the City and to provide that such uses shall be consistent with applicable law; and

WHEREAS, since adoption of Initiative "502" the City of Lakewood has used its business license regulations to prohibit marijuana production, processing, and retailing; and

WHEREAS, Lakewood Municipal Code (LMC) Section 5.02.080 (A) states no business license shall be issued where any application to conduct, in whole or in part, activity that is illegal under local, state or federal law; and

WHEREAS, three retail marijuana business license applications were received by the City of Lakewood; and

WHEREAS, three retail marijuana business license applications were denied by the City; and

WHEREAS, three retail marijuana business license applicants appealed the decision to deny the business license applications; and

WHEREAS, the Hearing Examiner for the City of Lakewood upheld the business license denials; and

WHEREAS, two of the applicants attempted to open retail marijuana businesses without City of Lakewood licenses; and

WHEREAS, both retail marijuana business operators were subsequently fined; and

WHEREAS, both retail marijuana business operators closed their respective business operations; and

WHEREAS, the Lakewood City Council has received reports on the topic of marijuana on November 12, 2013, April 17, 2017, and November 13, 2017; and

WHEREAS, on November 3, 2017, the Lakewood City Council directed the Lakewood Planning Commission to review proposed marijuana regulation including a prohibition; and

WHEREAS, the City initiated a text amendment application to Title 18A Lakewood Municipal Code, Case Nos LU-17-00254 (text amendment), and LU-17-00260 (SEPA); and

WHEREAS, the application contained two would enact a prohibition of all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research, and retailing, including those marijuana businesses licensed by the WSLCB; and

WHEREAS, on December 21, 2017, Case Nos LU-17-00254 (text amendment), and LU-17-00260 (SEPA) were deemed completed applications; and

WHEREAS, on December 22, 2017, pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the proposed text amendment; and

WHEREAS, on December 31, 2017, the Washington State Department of Commerce acknowledged receipt of the proposed ordinance text, Material ID # 24486; and

WHEREAS, pursuant to Lakewood Municipal Code (LMC) 18A.02.565, Case Nos LU-17-00256 (text amendment), is a Process V Permit; and

WHEREAS, under LMC 18A.02.565, a Public Hearing is required; and

WHEREAS, the notice of the Public Hearing was published in *The News Tribune* on December 29, 2017; and

WHEREAS, copies of the proposed regulations were transmitted to state and local agencies; and

WHEREAS, the notice of the Public Hearing was also placed on the City's website on December 29, 2017; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared; and

WHEREAS, the Responsible Official on behalf of the City of Lakewood has made a determination that this project does not have a probable significant adverse impact on the environment; and

WHEREAS, a Preliminary Determination of Nonsignificance (DNS) was issued under WAC 197-11-340(2); and

WHEREAS, on December 29, 2017, the DNS was published on the Washington State SEPA Register (SEPA # 201706702); and

WHEREAS, on December 29, 2017, the DNS was published in *The News Tribune* on December 29, 2017; and

WHEREAS, on January 3, 2018, the City of Lakewood Planning Commission conducted a study session on January 3, 2018 regarding Case Nos LU-17-00254 (text amendment), and LU-17-00260 (SEPA); and

WHEREAS, on January 17, 2018, the City of Lakewood Planning Commission conducted an advertised public hearing; and

WHEREAS, three people were in favor of a prohibition; eight people were in favor of retail marijuana regulation; and

WHEREAS, the City of Lakewood Planning Commission closed the public hearing on oral testimony, but left the record open for written comments to be received until February 7, 2018 at 5:00 PM; and

WHEREAS, additional correspondence was received:

Three petitions were submitted signed by nine persons requesting the city ban the sale of marijuana;

The Clover Park School District Board and the Clover Park School District Superintendent signed a written statement concerning the accessibility of marijuana being made available in Lakewood as a recreational drug;

Six individuals submitted correspondence/emails in opposition to marijuana activity being allowed in Lakewood; and

One person requested clarification on meeting times and places; **NOW THEREFORE,**

II. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

SECTION 2: The procedural requirements of RCW 36.70A have been complied with.

SECTION 3: The proposed amendment is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

SECTION 4: The proposed amendment is consistent with the City of Lakewood Comprehensive Plan.

SECTION 6: The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Environmental Protection, Title 14A Critical Areas, and Title 18A Land Use and Development of the City of Lakewood Municipal Code.

SECTION 7: All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 8: All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

SECTION 9: The Lakewood Planning Commission finds and determines that the prohibition of marijuana production, processing, and retail uses within the City's regulatory authority.

SECTION 10: The Lakewood Planning Commission finds and determines that approval of such amendments prohibiting the production, processing and retail sales of marijuana in the City of Lakewood is supported by case law and the Opinion of the Washington State Attorney general, and is in the best interests of the residents of Lakewood and will promote the general health, safety and welfare.

SECTION 11: The Lakewood Planning Commission finds and determines that regulation of marijuana for recreational or medical purposes is subject to the authority and general police power of the City to develop specific and appropriate land use controls regarding such uses, and the City reserves its powers and authority to appropriately amend, modify and revise such prohibition to implement such land use controls in accordance with applicable law;

SECTION 12: The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the City of Lakewood, Community and Economic Development Department at 6000 Main Street SW, Lakewood, Washington, 98499-5027. The custodian of these documents is the Assistant City Manager for Development Services of the City of Lakewood; NOW, THEREFORE,

III. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON DOES RECOMMEND AS FOLLOWS:

Section 1. New Chapter is hereby added to LMC Title 18A:

Chapter 18A.04 Marijuana Prohibited.

18A.04.010 Findings

18A.04.020 Purpose

18A.04.030 Definitions

18A.04.040 Prohibited activities

18A.04.050 Use not permitted in any zone

18A.04.060 No vested or nonconforming rights

18A.04.070 Violations

18A.40.010 - Findings.

The City Council finds that nothing in this chapter 18A.04 LMC shall be construed to supersede Washington State or federal law pertaining to the acquisition, possession, manufacture, sale or use of marijuana. No use that is illegal under, or contrary to, any city,

county, state or federal law or statute shall be allowed in any zoning district within the city unless otherwise specifically allowed for in the Lakewood Municipal Code (LMC).

18A.40.020 - Purpose.

A. The purpose of this chapter is to enact a prohibition of all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research, and retailing, including those marijuana businesses licensed by the Washington State Liquor and Cannabis Board.

B. No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to the Controlled Substances Act, 21 U.S.C. Section 800 et seq., or the Uniform Controlled Substances Act (Chapter 69.50 RCW).

18A.40.030 - Definitions.

For purposes of this chapter, the following definitions apply:

"Collective garden" means any place, area, or garden where qualifying patients engage in the production, processing, and delivery of marijuana for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein, and to be phased out effective July 1, 2016.

"Cooperative" means an entity with up to four members located in the domicile of one of the members, registered with the Washington State Liquor and Cannabis Board, and meeting the requirements under Chapter 69.51A RCW.

"Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

"Dispensary, medical marijuana" means any location that does not meet the definition of a "collective garden" and does not have a license from the Washington State Liquor and Cannabis Board for a marijuana producer, processor or retailer pursuant to I-502, where marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell, barter, trade or give away marijuana.

"Marijuana" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; 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. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, 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 seeds of the plant which are incapable of germination.

"Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than 60 percent.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration no greater than 10 percent. The

term “marijuana-infused products” does not include either usable marijuana or marijuana concentrates.

“Marijuana processor” means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana, marijuana-infused products, and marijuana concentrates, package and label usable marijuana, marijuana-infused products, and marijuana concentrates for sale in retail outlets, and sell usable marijuana, marijuana-infused products, and marijuana concentrates at wholesale to marijuana retailers.

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

“Marijuana researcher” means a person licensed by the State Liquor and Cannabis Board to produce and possess marijuana for limited research purposes.

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

“Person” means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

“Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include either marijuana-infused products or marijuana concentrates.

18A.04.040 - Prohibited activities.

A. It is unlawful to own, establish, site, operate, use or permit the establishment, siting, operation, or use of a medical marijuana dispensary, collective garden, cooperative or marijuana production, processing, research facility, or retail facility, regardless of whether it has a license from the Washington State Liquor and Cannabis Board.

B. It is unlawful to perform any individual or group marijuana cultivation activities anywhere in the city, regardless of whether such individual or group cultivation is addressed in Chapter 69.51A RCW or other state law.

C. It is unlawful to lease to, rent to, or otherwise allow the operation of any medical marijuana dispensary, collective garden, cooperative, marijuana production, processing, research, or retailing business, whether it is located outdoors, indoors, in any building, structure, premises, location or on land in the city and regardless of whether the activity has been licensed by the Washington State Liquor and Cannabis Board.

D. The city shall not issue any business license for any marijuana businesses regardless of whether the business has been licensed by the Washington State Liquor and Cannabis Board. Any business license obtained in error or through misrepresentation of the activities conducted by the individual business shall be invalid and of no force and effect

18A.04.050 - Use not permitted in any zone.

The use of any building, structure, premises, location or land for a medical marijuana dispensary, collective garden, cooperative, marijuana production, processing, research, or

retailing is not allowed in the city, and such uses and activities are not permitted uses in any zone.

18A.04.060 - No vested or nonconforming rights.

Neither this chapter nor any other city ordinance, city action or failure to act, statement, representation, certificate, approval, or permit issued by the city or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any marijuana business, collective garden, cooperative or marijuana producer, processor, researcher or retailer, even if licensed by the Washington State Liquor and Cannabis Board.

18A.04.070 - Violations.

Any violations of this chapter may be enforced as set forth in LMC Title 1.44, General Penalties, or, as applicable, the Uniform Controlled Substances Act, Chapter 69.50 RCW. In addition, violations of this chapter may be deemed to be a public nuisance and may be abated by the city under the procedures set forth in state law for the abatement of public nuisances.

Section 2: Chapter 18A.02, Section 18A.02.215 is hereby amended:

18A.02.215 Interpretation of Uses.

A. Land uses that are listed as primary uses in each zoning district shall be permitted subject to the review processes, standards, and regulations specified in Title 18A. If a described use is not listed as a use in a particular zoning district, it shall be considered to be a prohibited use within that district, excepting land uses listed as prohibited uses in Chapter 18A.40. However, it is inevitable that certain valid, justifiable uses of land will be missing from the listings of uses permitted in various zoning districts, therefore the Community Development Director is authorized to make an administrative interpretation in accordance with the procedures of this section.

B. If a proposed use is not specifically listed, an applicant may request an interpretation from the Community Development Director as to whether or not such use is a permitted use. In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the Community Development Director shall examine the characteristics of the development and use and shall make a determination as to what zone(s) the development and use may be allowed as a primary permitted use or permitted with an administrative use permit or with a conditional use permit based on the following criteria:

1. The use is compatible with the applicable goals and policies of the comprehensive plan.
2. The use is consistent with the stated purpose of the applicable district or districts.
3. The requested use is most substantially similar to the listed uses permitted in the district in which the request is being sought, as opposed to its similarity to the listed uses permitted in other districts based on the following criteria:
 - a. The activities involved in or equipment or materials employed in the use;

b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, impacts on public services and facilities, and aesthetic appearance.

c. The use has a high degree of potential to be consistent, compatible, and homogenous with listed uses.

d. The size of the facility.

C. Unlisted developments and uses for which the Community Development Director has made an administrative interpretation as to appropriate zone and type similarity shall be considered to constitute an official interpretation and shall subsequently be applied and used for future administration in reviewing like proposals. The Community Development Director shall report such decisions to the Planning Commission when it appears desirable and necessary to amend this code.

D. The Community Development Director's determination shall be processed and subject to the applicable requirements of LMC 18A.02.540 and may be appealed as provided in LMC 18A.02.740.

PASSED, APPROVED, and ADOPTED this 21st day of February, 2018 upon a motion of Commissioner BLANK, seconded by Commissioner BLANK, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chair

ATTEST:

KAREN DEVEREAUX, Secretary



**CITY OF LAKEWOOD
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
FOLLOW-UP STAFF REPORT TO THE PLANNING COMMISSION**

February 7, 2018

Application No(s)	LU-17-00254 (ZOA text amendment) LU-17-00260 (SEPA Checklist)
Applicant	City of Lakewood
Project Description	A PROPOSED ORDINANCE of the City Council of the City of Lakewood, Washington, establishing: 1) a MARIJUANA BUSINESS OVERLAY ZONING DISTRICT that provides for state licensed recreational and medical marijuana retail uses consistent with state law under Title 69 RCW, and subject to requirements of the Washington Administrative Code (WAC) Chapter 314-55; and 2) adding additional LOCAL STANDARDS to address potential public health, safety and welfare considerations.
Location	Area-wide amendment
Planning Commission Meeting Dates	January 3, 2018 (Study Session) January 17, 2018 (Public Hearing) February 7, 2018 (Review & deliberation of Draft Ordinance) February 17, 2018 (Date set to make recommendation)
Staff Recommendation	No recommendation

I. Summary

At the request of the city council, the planning commission was directed to review proposals for marijuana legislation. One of the proposals would establish: 1) a Marijuana Business Overlay zoning district that provides for state licensed recreational and medical marijuana retail uses consistent with state law under Title 69 RCW, and subject to requirements of the Washington Administrative Code (WAC) Chapter 314-55; and 2) adding additional local standards to address potential public health, safety and welfare considerations.

A draft ordinance to this effect has been prepared and is attached to this report.

Pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the draft ordinance.

The project has no environmental impact pursuant to the State Environmental Policy Act (SEPA).

This application is a Process V Permit and requires public notice pursuant to LMC 18A.02.545. The application was advertised both the City's newspaper of record and on the City's website.

A public hearing was conducted before the planning commission on January 17, 2018. At the hearing, nine persons provided testimony: one person spoke in opposition to allowing marijuana retail sales; eight people spoke in favor of marijuana retail sales; and one person submitted written testimony in opposition to marijuana retail sales.

The commission closed the public hearing for oral testimony, but left open the ability to submit written testimony up until February 7, 2018 at 5:00 PM.

As of this writing, January 31, 2018, three petitions were submitted signed by nine persons requesting the city ban the sale of marijuana.

The Clover Park School District Board and the Clover Park School District Superintendent signed a written statement concerning the accessibility of marijuana being made available in Lakewood as a recreational drug.

Six individuals submitted correspondence/emails in opposition to marijuana activity being allowed in Lakewood.

One person requested clarification on meeting times and places.

II. Next Steps

Review the minutes of the previous planning commission meeting; review the latest correspondence; review the draft resolution; and initiate debate/consideration of the proposed action.

If the commission desires to pursue this draft ordinance, the commission will need to establish a buffer area for retail marijuana businesses. In the draft code, this is referred to as the Marijuana Retail Business Overlay Zone, or 'MRBOZ.'

Also, does the commission want to reduce the 1,000 feet separation requirement to not less than 100 feet for recreation centers or facilities, child care centers, public parks, public transit center, libraries, or game arcades? By local ordinance, the state has allowed cities to incorporate this distance modification.

And, lastly, the commission should carefully review the special regulations section, 18A.40.770.

III. Exhibits

Planning Commission Draft Resolution
Potential Overlay Map
Copies of correspondence/emails -
Three petitions dated January 31, 2018

Written statement submitted by the Clover Park School District
Email from Robert Ketner dated January 27, 2018
Email from Terry Burns dated January 27, 2018
Email from Alan Billingsley dated January 26, 2018
Email from Kismet Kechejian dated January 25, 2018
Email from Sherrie L. Nicholson dated January 25, 2018
Email from Michelle Rowe dated January 17, 2018
John Arbeen written response read aloud at public hearing January 17, 2018
Jordan Michaelson talking points at public hearing January 17, 2018
Connor Novicky talking points at public hearing January 17, 2018

PLANNING COMMISSION RESOLUTION NO. 2018 - XX

A RESOLUTION OF THE CITY OF LAKEWOOD PLANNING COMMISSION AMENDING TITLE 18A, LAND USE AND DEVELOPMENT CODE, ESTABLISHING A NEW CHAPTER 18A.04 REGULATING THE RETAIL SALES OF RECREATIONAL MARIJUANA WITHIN AN OVERLAY ZONE

I. RECITALS

WHEREAS, in 1998, the voters of the State of Washington approved Initiative Measure No. 692, now codified as Chapter 69.51A RCW, entitled the Medical Use of Marijuana Act, which created an affirmative defense to state criminal liability for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, the legislature adopted ESSB 5073, with certain provisions vetoed by the Governor, which became effective July 22, 2011, and which enacted provisions intended to authorize the establishment and operation of "collective gardens" for medical marijuana purposes subject to land use powers of municipalities within the State of Washington; and

WHEREAS, on November 6, 2012, the voters of the State of Washington approved Initiative Measure No. 502 (Initiative "502") which decriminalized the possession and use of marijuana for "recreational purposes" and established a licensing protocol for marijuana production, processing, and retailing and tasking the Washington State Liquor Control Board (WSLCB) the responsibility to establish regulation and licensing of marijuana products; and

WHEREAS, the legislature adopted Senate Bill 5052, the Cannabis Patient Protection Act, which changed the name of the former Liquor Control Board to the Liquor and Cannabis Board (WSLCB) on July 24, 2015; and.

WHEREAS, on May 20, 2015, the King County Superior Court issued its decision in Greensun Group LLC v. City of Bellevue, No. 14- 2- 29863-3 SEA, which decision is incorporated herein as if set forth in full. The court determined, inter alia, that "the City of Bellevue has the authority to regulate the location and density of marijuana retail outlets within its boundaries, including through the adoption and enforcement`' of a requirement that a retail marijuana outlet cannot be located within 1, 000 feet of another retail marijuana outlet; and that "the City has the authority to develop and apply processes for enforcing" a 1, 000 foot separation requirement, including through use of a first-in-time determination based on the date and time of issuance of the state liquor control board license or conditional license, whichever is issued first; and

WHEREAS, RCW 69.50.331(8) (a) provides that the Washington State Liquor and Cannabis Board may not issue a license for any marijuana retail premises within one thousand (1000) 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 (21) years or older; and

WHEREAS, pursuant to Article 11, § 11 of the State Constitution, the general police powers of the City of Lakewood empower and authorize the City of Lakewood to adopt land use controls to provide for the regulation of land uses within the City and to provide that such uses shall be consistent with applicable law; and

WHEREAS, the Lakewood City Council has received reports on the topic of marijuana on November 12, 2013, April 17, 2017, and November 13, 2017; and

WHEREAS, on November 3, 2017, the Lakewood City Council directed the Lakewood Planning Commission to review proposed marijuana regulation; and

WHEREAS, the City initiated a text amendment application to Title 18A Lakewood Municipal Code, Case Nos LU-17-00254 (text amendment), and LU-17-00260 (SEPA); and

WHEREAS, the application contained a proposal to: 1) establish a Marijuana Business Overlay zoning district that provides for state licensed recreational and medical marijuana retail uses consistent with state law under Title 69 RCW, and subject to requirements of the Washington Administrative Code (WAC) Chapter 314-55; and 2) add additional local standards to address potential public health, safety and welfare considerations; and

WHEREAS, on December 21, 2017, Case Nos LU-17-00254 (text amendment), and LU-17-00260 (SEPA) were deemed completed applications; and

WHEREAS, on December 22, 2017, pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the proposed text amendment; and

WHEREAS, on December 31, 2017, the Washington State Department of Commerce acknowledged receipt of the proposed ordinance text, Material ID # 24486; and

WHEREAS, pursuant to Lakewood Municipal Code (LMC) 18A.02.565, Case Nos LU-17-00256 (text amendment), is a Process V Permit; and

WHEREAS, under LMC 18A.02.565, a Public Hearing is required; and

WHEREAS, the notice of the Public Hearing was published in *The News Tribune* on December 29, 2017; and

WHEREAS, copies of the proposed regulations were transmitted to state and local agencies; and

WHEREAS, the notice of the Public Hearing was also placed on the City's website on December 29, 2017; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared; and

WHEREAS, the Responsible Official on behalf of the City of Lakewood has made a determination that this project does not have a probable significant adverse impact on the environment; and

WHEREAS, a Preliminary Determination of Nonsignificance (DNS) was issued under WAC 197-11-340(2); and

WHEREAS, on December 29, 2017, the DNS was published on the Washington State SEPA Register (SEPA # 201706702); and

WHEREAS, on December 29, 2017, the DNS was published in *The News Tribune* on December 29, 2017; and

WHEREAS, on December 13, 2017 and January 3, 2018, the City of Lakewood Planning Commission conducted a study session on January 3, 2018 regarding Case Nos LU-17-00254 (text amendment), and LU-17-002607 (SEPA); and

WHEREAS, on January 17, 2018, the City of Lakewood Planning Commission conducted an advertised public hearing; and

WHEREAS, three people were in favor of a prohibition; eight people were in favor of retail marijuana regulation; and

WHEREAS, the City of Lakewood Planning Commission closed the public hearing on oral testimony, but left the record open for written comments to be received until February 7, 2018 at 5:00 PM; and

WHEREAS, additional correspondence was received:

Three petitions were submitted signed by nine persons requesting the city ban the sale of marijuana;

The Clover Park School District Board and the Clover Park School District Superintendent signed a written statement concerning the accessibility of marijuana being made available in Lakewood as a recreational drug;

Six individuals submitted correspondence/emails in opposition to marijuana activity being allowed in Lakewood; and

One person requested clarification on meeting times and places; **NOW THEREFORE**,

II. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

SECTION 2: The procedural requirements of RCW 36.70A have been complied with.

SECTION 3: The proposed amendment is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

SECTION 4: The proposed amendment is consistent with the City of Lakewood Comprehensive Plan.

SECTION 6: The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Environmental Protection, Title 14A Critical Areas, and Title 18A Land Use and Development of the City of Lakewood Municipal Code.

SECTION 7: All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 8: All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

SECTION 9: The Lakewood Planning Commission finds and determines that the regulation and prohibition of marijuana production, processing, and retail uses is within the City's regulatory authority.

SECTION 10: The Lakewood Planning Commission finds and determines that approval of such amendments prohibiting the production and processing of marijuana in the City of Lakewood is supported by case law and the Opinion of the Washington State Attorney general, is in the best interests of the residents of Lakewood, and will promote the general health, safety and welfare.

SECTION 11: The Lakewood Planning Commission finds and determines that regulation of marijuana for retail sales and for recreational or medical purposes is subject to the authority and general police power of the City to develop specific and appropriate land use controls regarding such uses, and the City reserves its powers and authority to appropriately amend, modify and revise such prohibition to implement such land use controls in accordance with applicable law;

SECTION 12: The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the City of Lakewood, Community and Economic Development Department at 6000 Main Street SW, Lakewood, Washington, 98499-5027. The custodian of these documents is the Assistant City Manager for Development Services of the City of Lakewood; **NOW, THEREFORE,**

III. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON DOES RECOMMEND AS FOLLOWS:

New Sections are hereby added to LMC Title 18A.40, Overlay Districts:

Chapter 18A.40

Sections:

18A.40.700 - Marijuana business overlay

18A.40.710 - Purpose and intent

18A.40.720 - Definitions

18A.40.730 - Marijuana retail business overlay created

18A.40.740 - Applicability - recreational marijuana retail business

18A.40.750 - Conditional use permit

18A.40.760 - Recreational marijuana retail business locations

18A.40.770 - Special regulations for marijuana retail businesses

18A.40.780 - Prohibited activities

18A.40.790 - Enforcement of violations

18A.40.800 - No Nonconforming uses

18A.40.700 Marijuana businesses overlay

Section 18A.40.710 - Purpose and intent.

The purpose of the Marijuana Business Overlay is to establish zoning regulations that provide for state licensed recreational and medical marijuana land uses consistent with state law under Title 69 RCW, and subject to requirements of the Washington Administrative Code (WAC) Chapter 314-55, adding additional local standards to address potential public health, safety and welfare considerations.

Section 18A.40.720 – Definitions.

For purposes of this chapter, the following definitions apply:

“Collective garden” means any place, area, or garden where qualifying patients engage in the production, processing, and delivery of marijuana for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein, and to be phased out effective July 1, 2016.

“Cooperative” means an entity with up to four members located in the domicile of one of the members, registered with the Washington State Liquor and Cannabis Board, and meeting the requirements under Chapter 69.51A RCW.

“Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

“Dispensary, medical marijuana” means any location that does not meet the definition of a “collective garden” and does not have a license from the Washington State Liquor and Cannabis Board for a marijuana producer, processor or retailer pursuant to I-502, where marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell, barter, trade or give away marijuana.

“Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; 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. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, 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 seeds of the plant which are incapable of germination.

“Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than 60 percent.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration no greater than 10 percent. The term “marijuana-infused products” does not include either usable marijuana or marijuana concentrates.

“Marijuana processor” means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana, marijuana-infused products, and marijuana concentrates, package and label usable marijuana, marijuana-infused products, and marijuana concentrates for sale in retail outlets, and sell usable marijuana, marijuana-infused products, and marijuana concentrates at wholesale to marijuana retailers.

"Marijuana processing facility" means a facility operated by a marijuana processor licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana, marijuana-infused products, and marijuana concentrates, package and label usable marijuana, marijuana-infused products, and marijuana concentrates for sale in retail outlets, and sell usable marijuana, marijuana-infused products, and marijuana concentrates at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the Washington State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana researcher" means a person licensed by the State Liquor and Cannabis Board to produce and possess marijuana for limited research purposes.

"Marijuana research facility" means a facility operated by a marijuana researcher licensed by the State Liquor and Cannabis Board to produce and possess marijuana for limited research purposes.

"Marijuana retailer" means a person licensed by the Washington State Liquor and Cannabis Board to sell usable marijuana, marijuana-infused products, and marijuana concentrates in a retail outlet.

"Marijuana retail business" means a business operated by a marijuana retailer licensed by the state liquor and cannabis board to sell usable marijuana, marijuana-infused products, and marijuana concentrates in a retail outlet.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

"Usable marijuana" means dried marijuana flowers. The term "usable marijuana" does not include either marijuana-infused products or marijuana concentrates.

Section 18A.40.730 - Marijuana retail business overlay created.

There is hereby established a **Marijuana Retail Business Overlay Zone (MRBOZ)** as depicted in Exhibit A attached hereto and incorporated by this reference.

Section 18A.40.740 – Applicability - recreational marijuana retail business.

This section applies to all marijuana retail business land uses, as defined herein or as may be hereafter defined, located within the City of Lakewood.

Section 18A.40.750 - Conditional use permit.

A. To operate within the City, each marijuana retail business is required to have a current Conditional Use Permit subject to the procedures and requirements of LMC 18A.10, Discretionary Permits, Conditional Use Permits.

Section 18A.40.760 - Recreational marijuana retail business locations.

A. A marijuana retail business shall not be located on parcels located within one thousand feet of parcels containing any of the following uses, as officially defined in WAC 314-55-010. The distance shall be measured as the shortest straight line from property line to property line, as set forth in WAC 314-55-050(10).

1. Elementary or secondary school, public or private;
2. Playground, publicly managed;
3. Recreation center or facility, providing a broad range of activities intended primarily for minors and managed by a public or charitable non-profit entity;
4. Child care facility, licensed by the Department of Early Learning providing child care regularly for less than 24 hours;
5. Public park, having facilities for active or passive recreation, exclusive of trails;
6. Public transit center where several transit routes converge;
7. Library; or
8. Game arcade where admission is not restricted to persons age 21 and older.

D. Marijuana retail businesses shall not be located within 1,000 feet of other state-licensed marijuana retail business, as measured from the shortest straight line from property line to property line as specified in WAC 314-55-050(10).

E. Marijuana retail businesses are not permitted as a home occupation under LMC 18A.70.200 and shall not operate at a dwelling as defined by LMC 18A.90.200.

F. Marijuana retail businesses may not be located within any other businesses, and may only be located in buildings with other uses only if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.

G. Marijuana retail businesses shall not be located in a mobile home or mobile structure or manufactured home.

H. Marijuana retail businesses must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations.

K. The City may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

Section 18A.40.770 - Special regulations for marijuana retail businesses.

A. To operate within the City, each marijuana retail business is required to have a current license issued by Washington State under the provisions of WAC Chapter 314-55 and a current business license issued by the City under the provisions of LMC Title 5. No application for a business license for a marijuana business shall be accepted unless the applicant has a current license issued as set forth in WAC 314-55.

B. Marijuana Retail Businesses shall only locate within the **MRBOZ**.

C. A marijuana retail business shall not sell marijuana, marijuana-infused products, or marijuana paraphernalia or otherwise be open for business before 10 am or after 10:00 pm on any day.

D. For signage, marijuana retail businesses shall be subject to the substantive requirements set forth in WAC 314-55-155 and LMC 18A.50.600, whichever is more restrictive. No off-premises signage is permitted.

E. No more than two marijuana retail businesses shall be allowed within the city.

F. Marijuana retail business must take place within a fully enclosed secure indoor facility with rigid walls, a roof, and doors.

G. Marijuana retail businesses are subject to all applicable requirements of the LMC Title 18A.

H. Marijuana retail businesses are subject to all applicable requirements of the LMC Title 15A, including but not limited to the Building Code as now exists or may be amended.

I. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.

J. Security. In addition to the security requirements set forth in WAC Chapter 315-55 during non-business hours, all recreational marijuana producers, processors, and 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 may be stored in a locked refrigerator or freezer container in a manner approved by the Community Development Director provided the container is affixed to the building structure.

K. Marijuana businesses are subject to all applicable requirements of Title 69 RCW and WAC Chapter 314-55 and other state statutes, as they now exist or may be amended.

L. Marijuana businesses shall incorporate odor control technology and provisions, and ensure that emissions do not exceed Southwest Washington Clean Air Agency regulations, including but not limited to those specified for odors at 400.040(4).

Section 18A.40.780 - Prohibited activities.

A. It is unlawful to own, establish, site, operate, use or permit the establishment, siting, operation, or use of a medical marijuana dispensary, collective garden, cooperative or marijuana production, processing facility, or research facility, regardless of whether it has a license from the Washington State Liquor and Cannabis Board.

B. It is unlawful to perform any individual or group marijuana cultivation activities anywhere in the city, regardless of whether such individual or group cultivation is addressed in Chapter 69.51A RCW or other state law.

C. It is unlawful to perform any individual or group marijuana processing activities anywhere in the city, regardless of whether such individual or group cultivation is addressed in Chapter 69.51A RCW or other state law.

D. It is unlawful for marijuana retail businesses to be located outside of the MRBOZ, regardless of whether it has a license from the Washington State Liquor and Cannabis Board.

Section 18A.40.790 - Enforcement of Violations.

Violations of this Chapter shall be subject to enforcement action as provided in the Uniformed Controlled Substances Act, Title 69 RCW. In addition, violations of this Chapter shall be subject to the enforcement provisions set forth in LMC Title 1.44, General Penalties. Furthermore, violations of this chapter may be deemed to be a public nuisance and may be abated by the city under the procedures set forth in state law for the abatement of public nuisances.

Section 18A.40.800 - No Nonconforming Uses.

No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, as those terms are defined in this ordinance, 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 LMC 18A.02.805 and that use shall not be entitled to claim legal nonconforming status.

PASSED, APPROVED, and ADOPTED this 21st day of February, 2018 upon a motion of Commissioner BLANK, seconded by Commissioner BLANK, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chair

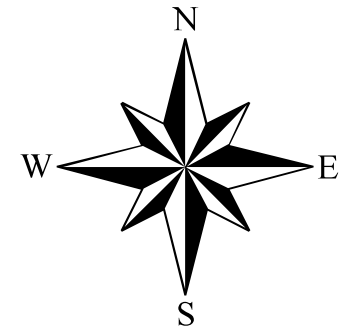
ATTEST:

KAREN DEVEREAUX, Secretary

EXHIBIT A

Exhibit A – MRBOZ Overlay

DRAFT PC MJ APPROVAL



- 1,000' Buffer from Select Features*
- Child Care Facility
- Library
- School or Recreation Facility
- Transit
- Tax Parcel
- Commercial Zoning Boundary
- Lakewood City Limit

* Features used for buffering taken from City of Lakewood datasets: daycares, libraries, parks, schools, and transit. See GIS for specific information on creation of buffer.

City of Lakewood Potential Marijuana Overlay

DRAFT

0 0.5 1 Mile

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.

Map Date: January 10, 2018 :Projects\CD\Licensing\Marijuana\PMO_CZ.mxd

January 31, 2018

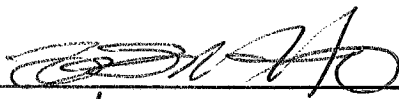
City of Lakewood
Planning Commission
6000 Main Street
Lakewood, Washington 98499

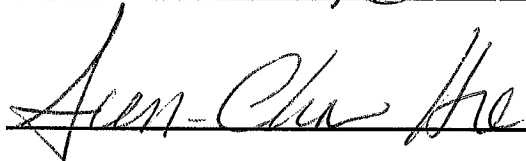
Dear Commissioners:

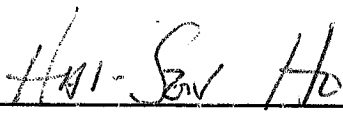
Please consider our comments as input for the public hearing in your decision about whether to recommend allowing commercial marihuana sales in Lakewood. We strongly favor banning the sale of marihuana in our city. Although marihuana can be purchased in other communities, allowing stores in Lakewood will cause more people in Lakewood to begin using marihuana or to use it more often. If stores are allowed, Lakewood will experience negative impacts as more drivers who remain under the influence of this drug are on our roads after using. Also residents will experience more instances of being exposed to the odors and effects of second hand marihuana smoke as use in our neighborhoods increases.

Most importantly, having visible marihuana businesses sends a message to children that using marihuana is okay, healthy and legal. In the long term Lakewood will see more of them try it and begin to use it. A small amount of tax income is not worth it. We strongly urge you to recommend banning such businesses to the City Council.

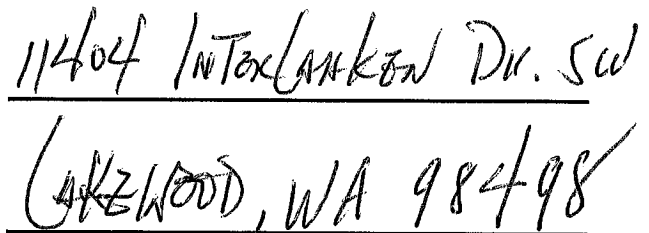
Sincerely,











RECEIVED

JAN 31 2018

CITY OF LAKEWOOD

January 31, 2018

City of Lakewood
Planning Commission
6000 Main Street
Lakewood, Washington 98499

Dear Commissioners:

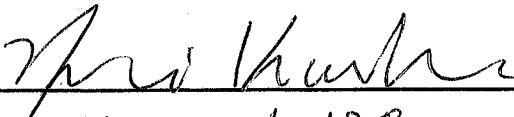

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Sincerely,

Kwak, Young Hui

8531 31st AVE CT S
Lakewood, WA 98499


mi JUN 28


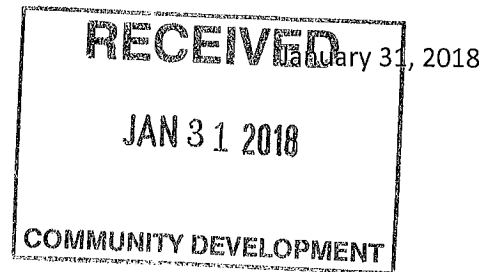
8300 Phillips Rd SW #14
Lakewood WA 98498

RECEIVED

JAN 31 2018

CITY OF LAKEWOOD

City of Lakewood
Planning Commission
6000 Main Street
Lakewood, Washington 98499



Dear Commissioners:

Please consider our comments as input for the public hearing in your decision about whether to recommend allowing commercial marijuana sales in Lakewood. We strongly favor banning the sale of marijuana in our city. Although marijuana can be purchased in other communities, allowing stores in Lakewood will cause more people in Lakewood to begin using marijuana or to use it more often. If stores are allowed, Lakewood will experience negative impacts as more drivers who remain under the influence of this drug are on our roads after using. Also residents will experience more instances of being exposed to the odors and effects of second hand marijuana smoke as use in our neighborhoods increases.

Most importantly, having visible marijuana businesses sends a message to children that using marijuana is okay, healthy and legal. In the long term Lakewood will see more of them try it and begin to use it. A small amount of tax income is not worth it. We strongly urge you to recommend banning such businesses to the City Council.

Sincerely,

Robert Wiley

9807 Coral Dr SW
LAKEWOOD WA 98498

James Hughes

7825 CUSTER RD W
LAKEWOOD WA 98499
118

Yushe Smith

~~118~~ Haman Ln. W.
LAKEWOOD, WA 98499

Richard W. Smith

111 Haman Ln. W.
LAKEWOOD, WA 98499.

RECEIVED

JAN 30 2018



Statement of Support

The Clover Park School District Board of Directors shares the city's concern about accessibility of the drug marijuana being made available in our city as a recreational drug. We do not see the drug as a benefit to students nor increasing their ability to succeed in school or the community.

Dated the 22nd Day of January, 2018

Dr. Marty Schaffer, District 4
Board President

Alyssa Pearson, District 3
Board of Director

Carole Jacobs, District 2
Vice President

Paul Wagemann, District 5
Board of Director, Legislative Representative

Rebecca Kelley, District 1
Board of Director

Debbie LeBeau, Superintendent and
Secretary to the Board

David Bugher

From: Robert Ketner <rnketner@rnkrealestate.com>
Sent: Saturday, January 27, 2018 7:14 AM
To: David Bugher
Subject: Mary Jane

Dave: There are plenty of places currently to shop for marijuana in Pierce County. Why not take the enlightened approach of not enabling this drug industry in Lakewood and enhance our effort to raise, not lower, our reputation as a community that is becoming a home for people who are invested in education, health, safety and common decency in their relationships with our neighbors. Do not propose that the tax money will solve a budgetary problem, it creates a new one. Bob Ketner

Get Outlook for Android

David Bugher

From: Terry Burns <tburns12345@msn.com>
Sent: Saturday, January 27, 2018 11:27 AM
To: David Bugher
Subject: No to Marijuana

As a grandfather, father and educator I am against bringing in Marijuana shops to Lakewood!!

David Bugher

From: ALAN BILLINGSLEY <paktek@prodigy.net>
Sent: Friday, January 26, 2018 8:44 AM
To: David Bugher
Cc: Marie@MarieBarth.com
Subject: Opposition to marijuana in Lakewood

David Bugher
Assistant City Manager and Community Development Director

David
Just a short note to voice my opposition to allowing marijuana sales in Lakewood.

As a volunteer at Custer Elementary and Hudtloff middle school, I have already seen a dramatic increase in marijuana use on the school grounds.
Making it more assessable in our community can only make the situation worse.

There is no amount of tax revenue the city can derive that can justify not protecting our kids as much as we can from the damage smoking has been proven to do.

I will also make a point to speak with each of our City Council members individually

Thank you

Alan Billingsley
CEO Paktek Inc.
7307 82nd ST CT SW
Lakewood WA 98498
(253) 584-4914 FAX 589-1091

www.toolpak.com

alanb@toolpak.com
paktek@prodigy.net

David Bugher

From: KISMET and Nenette KECHEJIAN <kismetlk@msn.com>
Sent: Thursday, January 25, 2018 8:38 PM
To: David Bugher; KISMET and Nenette KECHEJIAN
Subject: one opinion regarding a drug free Lakewood for public inclusion

The numb drug culture folks refuse to see the direct correlation between legal and abuse as demonstrated, for decades, in both alcoholism and gambling, enough said!

Legal does not equal safe or sane, or moral, or ethical as both alcoholism and gambling have proven.

Today they exist legally for the governments addiction to tax revenues without regard to public safety or wellbeing. There is no sane argument to refute the death and social harm related to these publicly acceptable vices. The harm they continue to cause, despite decades of statistics and proofs, is beyond question.

Even one vice drug legalized, is sufficient proof of mental illness, addictions. The bigger problem hidden behind individual drug addictions is governments addiction to taxpayer money.

Looking back at the 1960's drug crazed culture and antisocial lawlessness attitudes that was selfishness gone crazy we can see they echo again today: throw off social responsibility, tear down social norms, constraints, values and morals to please themselves through addiction.

The socialist agenda of the 1960's will opt for FREE DRUGS, supplied by taxpayer money much like we see in Seattle's free needles exchanges, free drug clinics supplying heroin, or cocaine etc. Keeping the addict addicted serves what purpose? Marijuana is a lower threshold, entry drug like opioids and decades of hallucinogens experiments, most outlawed so far.

Let the addicts leave Lakewood, KEEP LAKEWOOD DRUG FREE! To keep crime in retreat we do not need incapacitated, drugged drivers and generally incapacitated individuals in our neighborhoods and influencing vulnerable children.

I suggest that all publicly visible signage and drug advertising be banned in Lakewood.

VICE LEADS TO VICE! To legalize one cracks a door open to allow another vice and eventually the door is fully open. Where will it stop, prostitution, heroine, cocaine, Crack, Meth? Federal Law prohibits marijuana, lets obey the law, keep Lakewood drug and vice free!

KLK

Kismet Kechejian

Cell 253-202-2335

David Bugher

From: Lakewood Christian Gift Center <info@lakewoodchristiangiftcenter.com>
Sent: Thursday, January 25, 2018 8:09 PM
To: David Bugher
Subject: Marijuana

Please do not allow the distribution of marijuana in the City of Lakewood. It is my belief that this should come to a vote of the people, and NOT a decision of a few. You most certainly have heard of the multitude of reasons that it is not wanted in our communities. It puts this city and it's people at risk, and Lakewood already has more trouble than it needs. If you let one in, you let them all in. Where do your values meet up with this? I can picture your neighbors lighting up right next door. Crime rates going up in your once beautiful neighborhood, not to mention the terrible influence it will have on our CPSD students and JBLM. What a DISASTER. I really do not want this community in the national news for yet another, high profile crime. MS-13 is right here in Parkland! Let's not attract them here! Let's get all drugs we can, out of the area. Let's use common sense and not take money from unnecessary sources. I understand it is much easier to focus on the easy money, as opposed to trimming the fat and working to be accountable for proper handling of the citizenry's money. When do bad decisions stop? Come on folks, lets protect the people. That is your number one priority. Honor our police force and quit entertaining the idea that this won't put another burden on them!

Sincerely,
Sherrie L Nicholson

David Bugher

From: michelle rowe <mrowe2011@outlook.com>
Sent: Wednesday, January 17, 2018 6:12 PM
To: David Bugher
Subject: RE: Lakewood Planning Commission Meetings Jan 3, Jan 17, and Feb 7

Where is the meeting tonight being held..the police sept of city hall?

Sent from Mail for Windows 10

From: David Bugher <DBugher@cityoflakewood.us>
Sent: Thursday, December 28, 2017 1:31:51 PM
To: michelle rowe (mrowe2011@outlook.com); jordan Michelson (jordanmichelson90@gmail.com)
Subject: Lakewood Planning Commission Meetings Jan 3, Jan 17, and Feb 7

January 3:

Commission members will receive draft staff report on proposed marijuana regulations. The staff report DOES NOT provide staff recommendations. The purpose of the meeting is to familiarize the commission with process and meeting etiquette. I will introduce the two ordinances (prohibition and allowing retail sales). I will also answer questions about the content of the report. I will ask them if they want/need additional information. If they begin to opine their opinions on marijuana, I will ask them to stop, and not do this, until after the public hearing.

January 17:

Commission members will conduct a public hearing on the two ordinances. They may: 1) close the public hearing entirely; 2) partially close the public hearing to public comment, but allow written testimony up to Feb 7; or 3) extend public comment and written testimony to Feb 7. I doubt they will be ready to make recommendations that evening.

IMPORTANT: We have three public hearings that evening. One hearing is a simple zoning code amendment which is part of a settlement agreement. The other, of course, is marijuana. I'm thinking this will not be that difficult. The third is controversial (adult family homes and essential service facilities). This hearing could get emotional. It's possible we could have 100+ people.

February 7:

This is the likely date the commission will make recommendations, but again the date of action is up to them. Recommendations will be in the form of a resolution. After the commission takes action, the subject moves forward to the city council. Council meeting dates have not been formally set.



Linda Wagemann <linda.wagemann@gmail.com>

Fwd: My input for the PAB meeting 1/17/2018

1 message

Paul Wagemann <paulwagemann@gmail.com>
To: linda.wagemann@gmail.com

Wed, Jan 17, 2018 at 5:44 PM

Sent from my iPhone

Semper Fidelis

Paul

253 209-5638

Begin forwarded message:

From: "JohnArbeenj" <arbeenjo@comcast.net>
Date: January 17, 2018 at 2:46:41 PM PST
To: "Paul Wagemann" <paulwagemann@gmail.com>, "Admin" <communitymattersweb@gmail.com>
Subject: My input for the PAB meeting 1/17/2018

Hi Paul:

Below is my input to the PAB meeting on 1/17/2018 which will consider the issue of marijuana dealerships in Lakewood. I would like the following to be read aloud by you and formally entered into the public comments of this meeting. I am providing this to you as a 33 year Lakewood resident, retired Major US Army, business man, past PAB member, City Council Member and Deputy Mayor.

"Here are a few issues regarding MJ from a personal experience, legal and economic perspective. I served in Vietnam for 26 months, smoked MJ on several occasions there and saw the impact on those who smoked it regularly. It didn't take me long to realize I didn't have to do that to be accepted or how potentially damaging it was to me and those around me. I also had problems in my own family dealing with teen use of the drug. It isn't something I'd recommend to anyone or for government to support. Here are some points to consider.

MJ is most likely physiologically addictive and is certainly psychologically addictive.

MJ is often a gateway drug to hard drug use. While many MJ users do not "graduate" to hard drugs, almost without exception hard drug users started with MJ.

Any time you inhale smoke you are inhaling carcinogens and noxious gases.

MJ has many physiological and psychological effects. It alters reality, values, slows down reaction time, sleepiness, giddiness, and can result in withdrawal and psychotic reactions.

When you're high from any source you are in an under-achieving state and a potential threat to the health and safety of yourself and those around you. Aren't those normally

grounds for commitment?

MJ much more so that alcohol will become the drug of choice, especially for children since it is far smaller, concealable and cheaper than a 6 pak.

A black market will develop and traffic MJ to those under 21.

MJ is retained in the body long after the joint is smoked.

Driving with any MJ in your system is DUI.

Drug tests for employment may detect MJ and ruin another wise good application.

MJ possession and sale are still Federal crimes which could be enforced.

The permissive government attitude and selective enforcement of laws under Obama are over. Sanctuary cities might be first on Trump's agenda but MJ could be focus in future. AG Sessions has already made this abundantly clear.

Just as the Justice Department has threatened government leaders in "sanctuary cities" with prosecution for violating Federal immigration law, one could expect the same for those violating Federal drug laws.

Consider a citizen who is harmed by an illegal alien in a sanctuary city or harmed by someone under the influence of MJ purchased in a city approved retail dealership. Could not the citizen sue the city and city officials personally for damages because they not only failed to enforce but also endorsed the violation of Federal laws?

Money should never be the prime consideration when dealing with the MJ issue or others such as gambling. Importing such industries with such negative impacts on the community is never justified simply because of tax revenue. Indeed the social costs often outweigh any tax revenue benefit.

As a Federal crime, anyone renting space to a MJ dealer could be considered as profiting from a criminal enterprise with the possibility of forfeiture of their property. This often occurs even when an individual is suspected of a crime let alone set up in a public criminal enterprise.

Banks involved in interstate commerce realize this and cannot deal with MJ businesses for fear of prosecution. So a "cash only" business model is the only one feasible.

All cash businesses lend themselves to skimming and criminal activity to include robbery of MJ business owners.

Proceeds from MJ businesses must be laundered to allow the business owner the ability to remove the MJ taint and get them into the banking system. This is done via the purchase of legal businesses or properties much like the Mafia has done for years to cover their criminal ill gotten profits. Money laundering is a Federal crime and likely also leads to Federal tax evasion: another Federal crime.

Property owners who seek to finance their properties may find that income derived from MJ tenants is not credited to their cash flow qualification since the banks know it comes from a federally criminalized activity.

Property values will decrease based upon the exclusion of MJ income credited towards appraisals using the income approach.

You are on a slippery slope when you selectively choose which laws to ignore or not enforce. If you're willing to violate one law for your personal benefit, be it personal profit or government revenue, then you'll likely be willing to violate as many as necessary to achieve you goals. Here are a couple of my experiences with the MJ legalization crowd in Lakewood. Several years ago after the legalization vote I had a young lady who might have worked in an adult club, attempt to sweet talk me into renting space in my building for a "pharmacy". She didn't look or sound like a pharmacist so I asked if she meant a pot dealership. She said "yes" and I had to decline her offer. A day later she and a pony tailed lawyer showed up at the building and explained why I should rent to her.....although she now appeared as just an attractive front for the attorney's business interests. I explained my concerns about Federal law, Lakewood's prohibition, and my worried tenants who didn't want a bunch of "heads" hanging around the building. The attorney assured me that the Federal law wouldn't be enforced, that Lakewood wouldn't be wiser as to the true nature of the business for several years and then could be tied up in court for years thereafter allowing me to collect above market rents during that period. The whole thing stank to high heaven and I politely threw them out of the building. After the Pot Lottery I received numerous requests by "winners" to falsify a lease so that they could retain their retail outlet won. There was a deadline they had to meet to set up shop. They offered significant cash for this with the expectation that it would buy them time to find an actual place for their business, if not Lakewood then elsewhere. These unsavory characters had no problem bending or violating laws in order to set up their illegal business. We expect better of Lakewood's government."

John Arbeeny

9819 Lake Steilacoom Drive SW

Lakewood, WA 98498

Public Hearing on Marijuana uses - Lakewood Planning Commission - January 17, 2018

NOTICE OF PUBLIC HEARING LAKEWOOD PLANNING COMMISSION

Applicant: City of Lakewood.

Proposed action: The proposed action would amend Lakewood Municipal Code, Title 18A, Land Use and Development Code to either: 1) prohibit all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research, and retailing, including those marijuana businesses licensed by the Washington State Liquor and Cannabis Board; or 2) establish a marijuana overlay zoning district whose purpose is to establish zoning regulations that provide for state licensed recreational and medical marijuana land uses consistent with state law under Title 69 RCW, and subject to requirements of the Washington Administrative Code (WAC) Chapter 314-55, and adding additional local standards to address potential public health, safety and welfare considerations. *The second part may limit marijuana activity to retail sales only.*

Date, time and place of public hearing: January 17, 2018, on or about 6:30 PM, Lakewood City Hall Council Chambers, 6000 Main Street SW, Lakewood, WA 98499.

Nature of proposed amendment: The proposal would either outright ban marijuana activity within the city of Lakewood or allows limited retail sales of marijuana subject to local standards.

Interested persons are invited to attend the public hearing and provide testimony. If you want to submit written comments you may do so at the public hearing, or you can submit written comments through the Lakewood Community and Economic Development Department. The department's address is Lakewood City Hall, Second Floor, 6000 Main Street SW, Lakewood, WA 98499.

Background information, including the application, environmental documentation, and other related materials are available for review by contacting the Lakewood Community and Economic Development Department.

Contact person is David Bugher, Assistant City Manager for Development Services at the address above, or by telephone at (253)512-2261, or email at dbugher@cityoflakewood.us.

A copy of the staff report will be available for inspection at no cost at least five calendar days prior to the public hearing and copies will be provided at the cost of reproduction.

Should marijuana be allowed or banned in the city of Lakewood?



Tweet

Five years after Washington voters approved the legalization of recreational **marijuana** the Lakewood City Council is revisiting how the landscape has changed.

The City Council wants to see what other cities in the region have done around **marijuana** operations. That includes looking at cities that have banned **marijuana** businesses and those that allow them.

At a study session March 13 the council tasked city staff with researching various questions around **marijuana** sales.

The information is expected to be presented to the City Council in April.

The council requested:

- Examples of zoning and licensing from other cities allowing **marijuana** operations
- Examples of ordinances banning **marijuana** operations
- A look at Lakewood zoning to determine where **marijuana** businesses could be located based on state buffer restrictions

Across the region cities and counties have taken varied stances on **marijuana**. Some like Gig Harbor and DuPont have implemented bans, while others like Tacoma have allowed businesses to set up shop.

Elsewhere cities that once had bans in place have since lifted them, as was the case recently in Fife.

Two years ago the city of Federal Way held an advisory vote to see whether its residents wanted **marijuana** businesses in city limits. The overwhelming majority of voters said no and the City Council instituted a ban – this after 53 percent of Federal Way voters approved passage of Initiative 502 that legalized recreational **marijuana** in 2012.

In neighboring University Place, the City Council is debating whether to remove its ban in favor of allowing a single retail store as allocated by the State Liquor and Cannabis Board.

The Fircrest City Council also recently voted to allow **marijuana** sales in the city – a move that came after city leaders determined the city needed to take a stance one way or the other on **marijuana**.


To date the Lakewood City Council has had minimal conversations around **marijuana**. The city does not have a ban, nor does it have regulations that would support the establishment of **marijuana** businesses.

Instead the city has a license requirement that states all businesses must obtain a business license to legally operate in city limits. A condition of the license is that a business complies with all local, state and federal laws.

Marijuana remains an illegal substance under federal law.

Once presented with the information the City Council will determine how it wants to proceed with the conversation.



 Add to favorites



Medical Cannabis Programs Are Linked with Reductions in Violent Crimes, According to New Study

"These results show that increasing the legal availability of marijuana through medicalization could decrease murder and robbery rates, two crimes highly associated with the illegal drug trade."

by Chris Moore

Every time cannabis legalization or reform policies come up for debate before state or federal legislators, there is always a prohibitionist that will step in to argue that legalizing cannabis will increase crime rates. An increasing body of evidence is showing that the exact opposite may be the case, however. A new thesis paper published on the International Scholarship website has found that states with medical cannabis programs saw a reduction in the rates of murders and robberies between 1995 and 2015.

Kenna Garrison of the Haverford College Department of Economics compared medical marijuana patient registration rates in states with legal MMJ programs to crime rates in those same states. "A one percent increase in medical marijuana registration rates decreases murder and robbery rates by 0.03 percent and 0.02 percent, respectively, and has no significant effect on other types of crime," he wrote. "These results show that increasing the legal availability of marijuana through medicalization could decrease murder and robbery rates, two crimes highly associated with the illegal drug trade."

These findings match up with several other recent research studies connecting legal cannabis with crime reduction. In 2014, researchers at the University of Texas tracked crime rates over all 50 states between 1990 and 2006 and found that the 11 states that had legalized medical cannabis by that time experienced reductions in rates of homicide and assault. Even the FBI's official crime statistics support this conclusion.



Garrison acknowledged that "previous research has analyzed the effects of the implementation of medical marijuana laws on crime rates," but notes that his study "is the first to study how the size of the medical marijuana market affects crime rates." The author found that the states with the largest populations of medical cannabis users were linked to the greatest reductions in murders and robberies. Hopefully, as the body of research continues growing, the myth of cannabis being linked to violent crimes can finally be put to rest.



Published on October 20, 2017
Chris Moore

Chris Moore is a New York-based writer who has written for Mass Appeal while also mixing records and producing electronic music.

Comments

Blow off some smoke...

Comment



MARIJUANA

What actually happened to violent crime after Washington legalized marijuana

BY MELISSA SANTOS
msantos@thenewstribune.com

July 26, 2017 01:00 PM
Updated July 28, 2017 09:44 AM

An upcoming report from a U.S. Department of Justice task force is expected to link marijuana use to violent crime, which some fear might signal the start of a Trump administration crackdown on weed.

U.S. Attorney General Jeff Sessions has been quick to tie marijuana use to violent crime in recent months, fueling some advocates' concerns about what might come out of this week's report from the Task Force on Crime Reduction and Public Safety.

In April, Sessions promised the task force would "undertake a review of existing policies in the areas of charging, sentencing and marijuana to ensure consistency with the department's overall strategy on reducing violent crime."

That was after Sessions told reporters in February that the nation was seeing “real violence” around the “unhealthy practice” of marijuana use, according to POLITICO.

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“Experts are telling me there's more violence around marijuana than one would think and there's big money involved,” Sessions said.

But those statements run contrary to the experience in Washington state, which became one of the first two U.S. states to legalize recreational marijuana use for adults in 2012.

Since voters approved Initiative 502, FBI crime statistics show lower rates of violent crime in Washington than before legalization. According to the FBI data, in 2011 there were 295.6 violent offenses reported per 100,000 Washington residents. In 2015, the most recent full year of data available, that rate had fallen to 284.4 violent offenses per 100,000 people.

Other data compiled by the Washington Association of Sheriffs and Police Chiefs showed some fluctuations in violent crime rates but still found no statistically significant increase. According to those reports, in 2012 there were 3.6 violent offenses per 1,000 state residents. In 2016, the state's violent crime rate was 3.3 offenses per 1,000 people.

The downturn in violent crime in Washington is in line with national trends. A Pew Research Center analysis of the FBI data found that nationwide, the rate of reported violent crimes in 2015 was roughly half what it was in 1993.

Still, Washington's violent crime rate in 2015 was substantially lower than the national rate, according to the FBI data.

Neither the FBI data nor the data from the Washington Association of Sheriffs and Police Chiefs specifically tracks violent crime that might be related to marijuana. A spokeswoman for the Tacoma Police Department said her agency doesn't track offenses that way, either.

“In Washington state, I think it would be a strain to correlate violent crime with marijuana usage,” said Mitch Barker, the executive director of the sheriff and police chiefs group. “I would struggle to believe that the legalization of marijuana or more legalization relates to violent crime — somebody would have to make that case to me.”

State Rep. David Sawyer, D-Tacoma and the chairman of the House committee that deals with marijuana, said some state officials initially expected crime to go up with marijuana legalization, especially since the state's weed stores run entirely on cash.

That didn't happen, Sawyer said.

"As far as I'm aware there is no credible study linking violent crime and marijuana," he said. "I think what more people are realizing is violent crime is linked to keeping marijuana illegal."

"In general, legalization takes money out of the hands of criminals," he said, referring to drug cartels.

State Sen. Ann Rivers, R-La Center and the Senate GOP's leader on marijuana policy, agreed.

She noted Washington is expecting to rake in about \$730 million in tax revenue from marijuana sales in the next two years — and not all of that is from people who just discovered the drug.

"I did not vote for the initiative, but I will tell you this: That revenue, that's not coming from people who woke up one day and said, 'Oh, it's legal now, I think I'll go buy some.'

"The bulk of that is from people who were supporting El Chapo or whoever before."

Rivers said she still thinks it would be too costly and difficult for the federal government to try rein in states that have legalized recreational and medical marijuana. According to the National Conference of State Legislatures, eight states plus Washington, D.C. have legalized recreational use of pot, while 29 states have legalized medical-marijuana use.

Yet in May, Sessions asked Congress to lift a restriction that prevents the Justice Department from using federal money to interfere with states that have legalized medical marijuana. Sessions called the restriction on federal prosecutions "unwise... particularly in the midst of an historic drug epidemic and potentially long-term uptick in violent crime," according to reports by Massroots.com and The Washington Post.

Sawyer said he remains concerned that Washington's system could be at risk.

"I think it's a very real possibility," Sawyer said. "But we're going to see what the administration chooses to do."

Melissa Santos: 360-357-0209, @melissasantos1

VIOLENT CRIME RATES IN THE STATE

The Federal Bureau of Investigation reports violent crime rate in Washington has declined since voters here legalized recreational marijuana use in November 2012. The FBI numbers are based on crimes reported to law enforcement agencies.

2010: 313.5 offenses per 100,000 city inhabitants

2011: 294.6 offenses per 100,000 city inhabitants

2012: 295.6 offenses per 100,000 city inhabitants

2013: 289.1 offenses per 100,000 city inhabitants

2014: 285.8 offenses per 100,000 city inhabitants

2015: 284.4 offenses per 100,000 city inhabitants

The state's rate of violent crime in 2015, the most recent year of data available, also was substantially lower than the national average, according to the FBI. Nationally, the estimated rate of violent crime was 372.6 per 100,000 inhabitants in 2015.

Source: FBI, Crime in the United States reports, 2010-2015

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Thursday 07/27/2017
by Chris Moore

Ever since being appointed Attorney General, Jeff Sessions has continually threatened to ramp up the war on drugs and crack down on canna-legal states. The Trump administration's Task Force on Crime Reduction and Public Safety is expected to eventually release a report that will attempt to link marijuana use to increases in violent crime. Earlier this year, Sessions said that "experts" were telling him that "there's more violence around marijuana than one would think."

However, actual crime statistics do not support the government's claims that cannabis increases violence. Since 2012, when Washington residents voted to approve recreational marijuana, incidences of violent crime have been decreasing, not increasing. In 2011, before legalization, the FBI reported that there were 295.6 violent offenses per 100,000 Washington residents. In post-legalization 2015, that number decreased to 284.4 violent offenses per 100,000 people.

Data compiled by the Washington Association of Sheriffs and Police Chiefs showed that violent crimes decreased slightly from 3.6 violent offenses per 1,000 residents in 2012 to 3.3 per 1,000 in 2016. "In Washington state, I think it would be a strain to correlate violent crime with marijuana usage," said Mitch Barker, executive director of the association. "I would struggle to believe that the legalization of marijuana or more legalization relates to violent crime — somebody would have to make that case to me."

"As far as I'm aware there is no credible study linking violent crime and marijuana," said state Representative David Sawyer. "I think what more people are realizing is violent crime is linked to keeping marijuana illegal. In general, legalization takes money out of the hands of criminals." State Senator Ann Rivers, Senate GOP leader on marijuana policy, said that the bulk of the marijuana sales revenue that is now legally being collected by the state comes from "people who were supporting El Chapo or whoever before."

Rivers believes that a full federal crackdown on all 29 states that have legalized cannabis in some form would be too costly and difficult for the federal government to pull off. However, Sawyer is more concerned about a federal crackdown. "I think it's a very real possibility," he said. "But we're going to see what the administration chooses to do."

Hi there folks, my name is Connor Novicky and I work for a company that helps with merchant services and marketing products for cannabis dispensaries and recreational facilities in nearly all the states that allow cannabis donations and transactions.

As a result I get the ability to see a lot of these shops, and the areas they reside in, during the whole process of the store, from purchasing the property, to buildout of the location, to final the opening and operating of the facility.

I've come to speak today as a way to give my testament to how these testaments influence the immediate area and the community as a whole.

I understand that years ago cannabis was associated with the black market and thus shady individuals. I can personally testify from my experience that the decriminalization and legalization has flipped that stereotype on it's head nationwide, but more immediately, Washington State.

Washington State recreational shops are mandated to have some of most secure and safe retail stores in the private sector. At a minimum, each licensed premises must have a security alarm system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and hold-up alarms may also be utilized.

Along with alarm systems retail stores are required to have cameras throughout the building, at counters, store rooms, entryways, nearly every place imaginable. And this includes a requirement to have cameras place outside the building with a 45 day log kept of all recorded video. This isn't private knowledge; everyone knows this. Citizens, shop workers, customers, police, criminals; they all know that a recreational Marijuana shops here in Washington are nothing to mess with, as they should be.

As a result, we are finding that not only do they not attract crime but they deter it. I have seen countless locations that are placed in neighborhoods with crime actually clean up the area! I know many fear that these places will just become hubs for criminals and thugs to loiter but we are finding is quite the opposite.

To support this statement I'll refer to an analysis conducted by Loyal Marymount University in 2017 of the prevalence of crime within an 100 radius of radius of Medical Marijuana Shops in Los Angeles vs. the prevalence of crime in alcohol and tobacco stores in the same area.

To quote them directly:

"Tobacco shops, medical marijuana dispensaries (MMD), and off-sale alcohol outlets are legal and prevalent in South Los Angeles, California-a high-crime, low-income urban communities. This research is the first to explore the geographic associations between these three legal drug outlets with surrounding crime and violence in a large low-income urban community of color. ... Results indicated that mean property and violent crime rates within 100-foot buffers of tobacco shops and alcohol outlets-but **not MMDs**- substantially exceeded community-wide mean crime

rates and rates around grocery/convenience stores (i.e., comparison properties licensed to sell both alcohol and tobacco)."

Source: (<https://www.ncbi.nlm.nih.gov/pubmed/29277409>)

What does this mean? That these dispensaries are not breeding grounds for crime.

In fact they are quite the opposite. There is substantial data to show that these facilities deter criminals and lowlives. I will quote a study from the Journal of urban economics, 2017 to support this statement:

"The results presented above show that temporary dispensary closures increase crime in the short-run. ... Analyzing medical marijuana dispensary closures in the City of Los Angeles, we find no support for the idea that closing dispensaries reduces crime. Rather, temporary closures deter some types of Part I crime. ... Our findings have direct policy implications for regulating marijuana sales in the U.S. They imply that dispensary closures, and potentially the closure of other types of retail establishments, exert a significant negative externality in terms of neighborhood criminality. A quick back of the envelope cost calculation using the change in larceny theft at 1/3 of a mile and crime costs ... suggests that an open dispensary provides over \$30,000 per year in social benefit in terms of larcenies prevented."

Going to pot: The impact of dispensary closures on crime. Journal of Urban Economics, 2017

Source: <http://www.sciencedirect.com/science/article/pii/S0094119017300281>

The Journal of Studies on Alcohol and Drugs even suggests that these facilities intensive security are assisting in creating an environment where crime is unable to flourish. To quote them directly:

"There were no observed cross-sectional associations between the density of medical marijuana dispensaries and either violent or property crime rates in this study. These results suggest that the density of medical marijuana dispensaries may not be associated with crime rates or that other factors, such as measures dispensaries take to reduce crime (i.e., doormen, video cameras), may increase guardianship such that it deters possible motivated offenders."

Exploring the ecological association between crime and medical marijuana dispensaries, Journal of Studies on Alcohol and Drugs, 2012

Source: <http://www.jsad.com/doi/10.15288/jsad.2012.73.523>

This is a perfect testament to the benefits these high security establishments can bring to the community, and that's not at all factoring the massive tax revenue these establishments will generate for the state and local governments.

I want to thank you for taking the time this evening to hear your citizens out.



**CITY OF LAKEWOOD
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
FOLLOW-UP STAFF REPORT TO THE PLANNING COMMISSION**

February 7, 2018

Application No(s)	LU-17-00261 (ZOA text amendment) LU-17-00262 (SEPA Checklist)
Applicant	City of Lakewood
Project Description	A PROPOSED ORDINANCE of the City Council of the City of Lakewood, Washington, amending the Lakewood Municipal Code, 18A.20.300 (D.): 1) defining an Adult Family Home (AFH) as a Type 1 Group Home licensed pursuant to RCW 70.128.150; 2) requiring an AFH to obtain a city business license; 3) prohibiting clients with a history of violence, including sex offenses from occupying an AFH; 4) prohibiting the conversion of an AFH into an Enhanced Services Facility (ESF); and 5) prohibiting ESFs in the R1, R2, R3, and R4 single-family residential zoning districts.
Location	Area-wide amendment
Planning Commission Meeting Dates	January 3, 2018 (Study Session) January 17, 2018 (Public Hearing) February 7, 2018 (Review & deliberation of Draft Ordinance) February 17, 2018 (Date set to make recommendation)
Staff Recommendation	No recommendation

I. Summary

At the request of the city council, the planning commission was directed to review proposals for the regulation of Adult Family Homes and Essential Services Facilities. A draft ordinance was prepared, and to summarize the proposal would: 1) Defined an Adult Family Home; 2) require and Adult Family Home to obtain a city business license; 3) Prohibit clients with a history of violence, including sex offenses from occupying an Adult Family Home; 4) Prohibits the conversion of an Adult Family Home into an Enhanced Services Facility; and 5)

Prohibits Essential Service Facilities in the R1, R2, R3, and R4 single-family residential zoning districts.

A draft ordinance to this effect has been prepared and is attached to this report.

Pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the draft ordinance.

The project has no environmental impact pursuant to the State Environmental Policy Act (SEPA).

This application is a Process V Permit and requires public notice pursuant to LMC 18A.02.545. The application was advertised both the City's newspaper of record and on the City's website.

A public hearing was conducted before the planning commission on January 17, 2018. At the hearing, nine persons provided testimony: Six persons spoke in favor of the draft ordinance; and one person submitted written testimony also in favor of the draft ordinance.

The commission closed the public hearing for oral testimony, but left open the ability to submit written testimony up until February 7, 2018 at 5:00 PM.

As of this writing, January 31, 2018, no additional information has been submitted.

II. Next Steps

Review the minutes of the previous planning commission meeting; review the latest correspondence (if any); review the draft resolution; and initiate debate/consideration of the proposed action.

III. Exhibits

Planning Commission Draft Resolution

PLANNING COMMISSION RESOLUTION NO. 2018 – XX

A RESOLUTION OF THE CITY OF LAKEWOOD PLANNING COMMISSION AMENDING TITLE 18A, LAND USE AND DEVELOPMENT CODE, TO DEFINE “ADULT FAMILY HOME BUSINESS;” PROHIBIT ENHANCED SERVICE FACILITIES IN RESIDENTIAL ZONES; AND TO PROHIBIT THE CONVERSION OF ADULT FAMILY HOME BUSINESSES INTO ENHANCED SERVICES FACILITIES.

I. RECITALS

WHEREAS, City’s Police Power - the Washington State Constitution Article XI invests the City of Lakewood with police powers to provide for public health, safety and welfare and pursuant to its police powers, the City regulates land use planning, development and the operation of businesses within its jurisdictional boundaries; and

WHEREAS, the Growth Management Act, chapter 36.70A RCW, requires the City to adopt a Comprehensive Plan, including a process for identifying and siting essential public facilities; and

WHEREAS, the GMA defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, regional transit authority facilities, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities; and

WHEREAS, the GMA requires each county, in cooperation with cities and towns, county-wide planning policies and the City participated in the development of the Pierce County County-Wide Planning Policies; and

WHEREAS, the County-Wide Planning Policies recognize the importance of distributing essential public facilities identified in the GMA among jurisdictions and communities (Pierce County County-Wide Planning Policies, at Page 64-65 EFP-3); and

WHEREAS, the City of Lakewood (City) has adopted a Comprehensive Plan pursuant to the GMA and that plan includes a process for identifying and siting essential public facilities (City of Lakewood Comprehensive Plan, Chapter 9, page7 Goal 9.7); and

WHEREAS, Adult Family Homes are a type of group home and are considered an essential public facility pursuant to the GMA; and

WHEREAS, qualified Adult Family Homes are meant to be an essential component of the state’s long-term care system and are meant to reduce institutionalization pursuant to RCW 70.128.005; and

WHEREAS, Adult Family Homes require specialized staffing in the facilities pursuant to RCW 70.128.130; and

WHEREAS, Adult Family Homes must be considered a residential use of property as well as a “permitted use in all areas zoned for residential or commercial purposes” pursuant to RCW 70.128.140; and

WHEREAS, Enhanced Services Facilities are also considered to be an essential public

facility pursuant to the GMA; and

WHEREAS, Enhanced Services Facilities are designed to assist people with serious issues of substance abuse, mental illness, dangerous behavior or a combination thereof pursuant to chapter 70.97 RCW; and

WHEREAS, Enhanced Services Facilities require specialized staffing and facilities above and beyond those required for Adult Family Homes, pursuant to RCW 70.97.080; and

WHEREAS, while residents of Enhanced Services Facilities and Adult Family Homes require substantially different levels of care and facilities, Adult Family Homes may be transformed into Enhanced Services Facilities pursuant to RCW 70.97.060 with little or no notice to affected communities; and

WHEREAS, given that the people served in Enhanced Services Facilities require significantly more care and treatment, as well as far more secure facilities, than those served in Adult Family Homes, the City finds that Enhanced Services Facilities are incompatible with residential zones and should not be allowed as a permitted use in residential zones; and

WHEREAS, state law provides an exemption from liability for facilities providing care and treatment for residents placed in Enhanced Services Facilities as well as to the agencies licensing or placing people in these facilities pursuant to RCW 70.97.220; and

WHEREAS, Washington State Department of Social and Health Services (DSHS) licenses and regulates Adult Family Homes pursuant to chapter 70.128 RCW and particularly RCW 70.128.060; and

WHEREAS, DSHS also licenses and regulates Enhanced Services Facilities pursuant to chapter 70.97 RCW; and

WHEREAS, Adult Family Homes and Enhanced Services Facilities operate as businesses in that they are licensed and inspected as a business and they charge fees for services; and

WHEREAS, DSHS places many residents in adult family homes, but it is unknown how much information about prospective residents DSHS shares with Adult Family Home operators, the City and the community; and

WHEREAS, DSHS and other similar agencies are under pressure by both legal requirements and the volume of people needing care to offer placements in facilities that offer the least restrictive alternatives to institutional care (e.g., RCW 71.34.740); and

WHEREAS, DSHS recently attempted to place at least one resident in an Adult Family Home who has spent most of his adult life at Western State Hospital, has a history of violence including murder and assault, and is considered at risk of future danger to himself and others, even when compliant with medications; and

WHEREAS, the City finds that the above intended placement by DSHS is inappropriate for an Adult Family Home because Adult Family Homes are not required to have, and often do not have, the staff, resources or secure facilities needed to accommodate such residents and may therefore risk the safety and security of other Adult Family Home residents, themselves and the general public; and

WHEREAS, the City did not learn of the above intended placement directly from DSHS and the City suspects that other, similarly inappropriate placements may have been made and/or

may continue to be made by DSHS; and

WHEREAS, the City has attempted to learn if DSHS has made or intends to make other such placements like the above intended placement through a public record's request pursuant to chapter 42.56 RCW, which is attached and incorporated herein as Exhibit A (Request for records), but DSHS has not been forthcoming with this information; and

WHEREAS, each Adult Family Home is required to "meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence" pursuant to RCW 70.128.140; and

WHEREAS, the City code requires all businesses operating within the City to obtain a business license, stating that it is "unlawful for any person to conduct, operate, engage in, or practice any business in the city that is conducted, operated, engaged in, or practiced in whole or in part from real property located within the city, without first obtaining the appropriate general or temporary business license along with any applicable additional license required by this Title or other applicable local, state or federal law" at LMC 5.02.020 Business License Required; and

WHEREAS, the City code states that "no structure ... shall be ... constructed ... altered nor any use be established or changed until a zoning certification or discretionary land use permit ... have been issued" by the City (LMC 18A.02.140); and

WHEREAS, the City code defines a zoning certification as "a certificate, issued prior to a project permit, stating that the proposed use is in accordance with the requirements and standards of" title 18A LMC (LMC 18A.90.); and

WHEREAS, the City code states that a complete application is the "most current version of the permit application form approved" by the City; and Community Development Director (LMC 18A.02.152); and

WHEREAS, the City code gives effect to state mandates outlined in the Washington Administrative Code (WAC) 51.51.0325 (Adult Family Homes) in order to ensure public health, safety and welfare by requiring an Adult Family Home permit application, a copy of which is attached and incorporated herein as Exhibit B (Adult Family Home Application); and

WHEREAS, the City finds that DSHS's placement of dangerous people in Adult Family Homes impedes the intent of chapter 70.128 RCW because it places potentially violent and therefore dangerous people in homes ill-equipped to treat and/or manage them; and

WHEREAS, state agencies are required to comply with county and city comprehensive plans and regulations pursuant to RCW 36.70A.103; and

WHEREAS, the City finds that DSHS's placement of dangerous residents in Adult Family Homes violate the comprehensive plans and regulations adopted by Pierce County and the City; and

WHEREAS, the Lakewood City Council has received reports on the topic of Adult Family Homes and Enhanced Services Facilities on January 9, 2017, November 27, 2017, and December 11, 2017; and

WHEREAS, on December 11, 2017, the Lakewood City Council directed the Lakewood Planning Commission to review proposed regulations for Adult Family Homes and Enhanced Services Facilities; and

WHEREAS, based on the Lakewood City Council direction, the City initiated a text amendment application to Title 18A Lakewood Municipal Code, Case Nos LU-17-00261 (text amendment), and LU-17-00262 (SEPA), that defines "Adult Family Home Business;" prohibits Enhanced Services Facilities in residential zoning districts; and prohibits the conversion of an Adult Family Home Business into an Enhanced Services Facility; and

WHEREAS, On December 21, 2017, Case Nos LU-17-00261 (text amendment), and LU-17-00262 (SEPA) were deemed completed applications; and

WHEREAS, on December 22, 2017, pursuant to RCW 36.70A.106, the City submitted to the Washington State Department of Commerce a copy of the proposed text amendment; and

WHEREAS, on December 31, 2017, the Washington State Department of Commerce acknowledged receipt of the proposed ordinance text, Material ID # 24485; and

WHEREAS, pursuant to Lakewood Municipal Code (LMC) 18A.02.565, Case Nos LU-17-00261 (text amendment), is a Process V Permit; and

WHEREAS, under LMC 18A.02.565, a Public Hearing is required; and

WHEREAS, the notice of the public hearing was published in *The News Tribune* on December 29, 2017; and

WHEREAS, copies of the proposed regulations were transmitted to state and local agencies; and

WHEREAS, the notice of the Public Hearing was also placed on the City's website on December 29, 2017; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared; and

WHEREAS, the Responsible Official on behalf of the City of Lakewood has made a determination that this project does not have a probable significant adverse impact on the environment; and

WHEREAS, a Preliminary Determination of Nonsignificance (DNS) was issued under WAC 197-11-340(2); and

WHEREAS, on December 29, 2017, the DNS was published on the Washington State SEPA Register (SEPA # 2017066697); and

WHEREAS, on December 29, 2017, the DNS was published in *The News Tribune* on December 29, 2017; and

WHEREAS, on January 3, 2018, the City of Lakewood Planning Commission conducted a study session on January 3, 2018 regarding Case Nos LU-17-00261 (text amendment), and LU-17-00262 (SEPA); and

WHEREAS, on January 17, 2018, the City of Lakewood Planning Commission conducted an advertised public hearing; and

WHEREAS, as part of the staff report prepared for Case Nos LU-17-00261, and LU-17-00262, the City's Building Official performed a building code analysis comparing the construction

standards of an Adult Family Home versus an Essential Services Facility herein incorporated as Exhibit C; and

WHEREAS, this analysis showed that an Essential Services Facility is an institutional use and is not residential in character; and

WHEREAS, given the construction standards for an institutional use, it is economically impractical to convert an Adult Family Home into an Essential Services Facility, and that such a modification would be representative of a 'change of use' under the International Building Code; and

WHEREAS, DSHS has stated on their own website (December 15, 2017) a policy of "...finding (Essential Services Facility) placements for clients who are ready to discharge from Western State Hospital; development of an ESF along the I-5 corridor is a priority;" and

WHEREAS, Western State Hospital is located within the incorporated limits of the City of Lakewood; Lakewood is also adjacent to the I-5 Corridor with over six miles of freeway frontage; and

WHEREAS, a high incidence of Adult Family Homes/Group Homes are located in the City of Lakewood; as of December 15, 2015, there are 256 Adult Family Homes in Pierce County of which 73, or 29 percent, are located in Lakewood; and

WHEREAS, there are 34 Adult Family Homes located in the Oakbrook Neighborhood, a part of the City, which coincidentally is adjacent to Western State Hospital; and

WHEREAS, there is a disproportionate number of Adult Family Homes in Lakewood versus other Pierce County cities; and

WHEREAS, the high number of Adult Family Homes located in one section of the Oakbrook Neighborhood, six Adult Family Homes lie within 374 feet of each other, has changed the character of the surrounding neighborhood; and

WHEREAS, Adult Family Homes should not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others; and

WHEREAS, to the best of the City's knowledge, DSHS has not properly performed individual assessments to determine direct threats in Adult Family Home settings; and

WHEREAS, prohibiting residents who may have functional disabilities and having a history of violence from being housed in an Adult Family Home improves public safety, and potentially reduces public service demands; and

WHEREAS, because of a psychiatric bed shortage in Washington State, DSHS has designed at least four new approaches to alleviate pressure at Western state Hospital; first, to expand bed space at the hospital (based on records available through the Lakewood Community Development & Economic Development Department); second, to expand the role of Adult Family Homes to treat the mentally ill; third, to allow for new Essential Services Facilities; and fourth, the ability to convert an Adult Family Home into an Enhanced Services Facility; and

WHEREAS, Essential Services Facilities are not at all similar to the standard operation of Adult Family Home, and may impose undue administrative or financial burden on the City of Lakewood; and

WHEREAS, the City has attempted to identify the locations of existing Essential Services Facilities state-wide; and

WHEREAS, the number of Essential Services Facilities is limited; three Essential Services Facilities have been permitted in eastern Washington, one in Vancouver, Washington, and a third under construction in Everett, Washington; from the evidence gleaned so far, none of the Essential Services Facilities appear to have been sited within a single family setting; most are located within commercial zoning districts, along collector or arterial streets, in areas with transitional land use patterns, or as part of an existing assisted care facility; and

WHEREAS, prohibiting Essential Services Facilities and the conversion of Adult Family Homes to Essential Services Facilities, prohibits dissimilar uses in single-family residential zoning districts, improves public safety, and potentially reduces public service demands; and

WHEREAS, SIX PERSONS were in favor of the proposed regulations; one person submitted correspondence; and no agency or individual was opposed to the proposed regulations; and

WHEREAS, the City of Lakewood Planning Commission closed the public hearing on oral testimony, but left the record open for written comments to be received until February 7, 2018 at 5:00 PM.

II. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

SECTION 2: The procedural requirements of RCW 36.70A have been complied with.

SECTION 3: The proposed amendment is necessary to protect the safety of Lakewood residents since DSHS may not have properly complied with the intent of 70.128 RCW by placing dangerous people in Adult Family Homes.

SECTION 4: The proposed amendments are consistent with the City of Lakewood Comprehensive Plan.

SECTION 6: The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Environmental Protection, Title 14A Critical Areas, and Title 18A Land Use and Development of the City of Lakewood Municipal Code.

SECTION 7: All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 8: All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

SECTION 9: The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the City of Lakewood, Community and Economic Development Department at 6000 Main Street SW, Lakewood, Washington, 98499-5027. The custodian of these documents is the Assistant City Manager for Development Services of the City of Lakewood; and **NOW, THEREFORE,**

**III. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON DOES
RECOMMEND AS FOLLOWS:**

Lakewood Municipal Code 18A.20.300 D shall be amended as follows:

Section 1. Type 1 Group Home. Publicly or privately operated living accommodations for related or unrelated individuals having handicaps, subject to compliance with all applicable federal, state, and/or local licensing requirements. For the purposes hereof, "handicap" shall mean a physical or mental impairment which substantially limits one or more of the person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; however, the term does not include current, illegal use of or an addiction to a controlled substance.

a. Adult Family Home Business - Defined. An Adult Family Home Business is a Type 1 Group Home licensed pursuant to RCW 70.128.150 and the City's licensing requirements.

b. Adult Family Home Business – May not be Converted. An Adult Family Home Business which is located in a residential zone may not be converted or otherwise changed to an Enhanced Services Facility or any other type of use not permitted in a residential zone. Enhanced Services Facilities are not permitted in residential zones.

PASSED, APPROVED, and ADOPTED this 21st day of February, 2018 upon a motion of Commissioner BLANK, seconded by Commissioner BLANK, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chair

ATTEST:

KAREN DEVEREAUX, Secretary

EXHIBIT A

Exhibit A – City's Public Records Request.

DRAFT

EXHIBIT B

Exhibit B - Adult Family Home permit application.

DRAFT

EXHIBIT C

Building Official Code Analysis.

DRAFT



EXHIBIT A

Don Anderson
Mayor

November 7, 2017

Jason Whalen
Deputy Mayor

DSHS Public Records Officer
DSHS Office of Policy and External Relations
PO Box 45135
Olympia WA 98504-5135

Mary Moss
Councilmember

Dear Public Records Officer:

Michael D. Brandstetter
Councilmember

The City of Lakewood requests the following public records from November 1, 2012 through November 1, 2017:

John Simpson
Councilmember

- 1) Any and all documents from any and all Department employee related to the release of any and all patients or residents of Western State Hospital to any adult family home located in Washington State; and
- 2) Any and all documents from any and all Department employee relating to the priorities, policies and guidelines of the Department in investigating and/or evaluating placements of residents of Western State Hospital.

Marie Barth
Councilmember

Terms

Paul Bocchi
Councilmember

"Department" refers to the Washington State Department of Social and Health Services including, but not limited to Western State Hospital.

John J. Caulfield
City Manager

"Document" includes the original or any copy of any material that is handwritten, typed, printed, graphic, electronic or digital, including transcripts, contracts, agreements, spread sheets, work papers of any kind, email or voice mail messages or any other type of media or format used for communication or expression. This request should be interpreted to include all drafts of documents as well as any document bearing commentary or notations on it.

"Employee" refers to any full or part time employee of DSHS or Western State Hospital as well as any interns, volunteers, or contractors of DSHS and Western State Hospital.

"Exemptions" - Please provide a log of all documents identified but withheld for any reason, under the Act or any other law. Describe the document and the nature of the claimed exemption or exemptions relied upon. Identify the person ultimately responsible for authorizing or approving the claimed exemption.

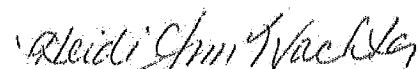
The City of Lakewood is requesting these public records pursuant to the Washington State Public Records Act (Act), chapter 42.56 RCW. As you may know, the Act is to be liberally construed and all exemptions narrowly drawn to effect the Act's important public policy goals.¹

In August 2017, the City of Lakewood was notified by the Pierce County Prosecuting Attorney that Western State Hospital/Department of Social and Health Services intended to place a resident of the hospital in an adult family home located in the City. The resident has spent most of his adult life at the hospital and while he has limited criminal conviction history, there is evidence that he has murdered one person, assaulted others, and is considered at risk of future danger to himself and others, even when compliant with medications. The City is concerned that such placements threaten not only the community but the safety of residents of adult family homes.

We have been asked to review and research adult family homes in the City of Lakewood, as well as state authority, regulations, current use, comparison with other cities and counties, legislative options and recommended policy changes. Our goal is to present the most complete report possible, which necessarily includes information about the role DSHS plays in placing residents in adult family homes.

Thank you for your prompt attention to this request. We will be available to work with you to better refine these requests in a way that meets our requirements, while also not unnecessarily burdening the Department. The City is willing to waive patient identifiers for patients who have resided or continue to reside at the hospital. Please provide, in an electronic format, all requested documents, redacted as necessary to protect patient identity. Compliance with the Act favors redaction over withholding. Please include a full explanation of any redaction and/or withholding done in this request. In the event the cost of duplicating the requested documents exceeds \$500.00, please contact us before exceeding this amount.

Sincerely,


Heidi Ann Wachter
City Attorney

¹ The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern. RCW 42.56.030.

EXHIBIT C

 <p style="text-align: center;">Adult Family Home Permit Application</p> <p style="text-align: center;">Community Development 6000 Main St. SW ☐ Lakewood, WA 98499 Phone (253) 512-2261 ☐ permits@cityoflakewood.us</p>	Office use Permit #: _____ Date rec'd: _____
	Fee: \$132.50

This application must include a completed AFH checklist (attached) with required floor plans and site plan.

SITE ADDRESS:	Parcel #:
APPLICANT:	Phone:
Address (City, State, Zip):	E-Mail Address:
OWNER:	Phone:
Address (City, State, Zip):	E-Mail Address:
AFH LICENSEE:	Phone:
Address (City, State, Zip):	E-Mail Address:

Description:	
_____ _____ _____	
Proposed number of residents _____ Proposed number of employees _____ Number of employees living on-site _____	
<i>I hereby certify that the information provided is correct and that the construction on the above described property, the occupancy, and use will be in accordance with the laws, rules, and regulations of the State of Washington and the Lakewood Municipal Code. I agree to hold harmless the City of Lakewood as to any claim incurred as a result of this work.</i>	
Print Name: _____	<input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Specify _____
Signature: _____	Date: _____

Adult Family Home (AFH) LOCAL BUILDING INSPECTION CHECKLIST

Code References: 2015 IRC Section R325 (WAC 51-51)

APPLICATION NUMBER: _____

SECTIONS 1, 2, 3, AND 4 MUST BE COMPLETED BY APPLICANT BEFORE INSPECTION WILL BE PROCESSED

SECTION 1 – PROPERTY INFORMATION

SITE ADDRESS: _____

ASSESSOR'S TAX/PARCEL#: _____

SECTION 2 – APPLICANT INFORMATION

PROPERTY OWNER NAME: _____

DAYTIME PHONE: _____

AFH LICENSEE NAME (IF DIFFERENT): _____

DAYTIME PHONE: _____

SECTION 3 – FLOOR PLAN

On a separate sheet of paper (8 1/2 x 11) draw a floor plan (including all floors) of your prospective AFH. Include all sleeping rooms (bedrooms) indicating which bedroom is: A, B, C D, E and F.

Label all components for exiting i.e., stairs, ramps, platforms, lifts and elevators.

SECTION 4 – DISCLAIMER/SIGNATURE BLOCK

I certify under penalty of perjury that the information furnished by me is true and correct to the best of my knowledge, and that I am requesting or I am authorized by the owner of the above premises to request inspection for the operation of an Adult Family Home at this location. I agree to hold harmless the jurisdiction conducting such inspections, at my request, as to any claim (including costs, expenses, and attorneys' fees incurred in the investigation of such claim), which may be made by any person, including the undersigned, and filed against the jurisdiction, but only where such claim arises out of the reliance of the jurisdiction, including its officers and employees, upon the accuracy of the information supplied to the jurisdiction as a part of this application.

NAME/TITLE: _____

DATE: _____

☐ PROPERTY OWNER

☐ APPLICANT

☐ LICENSEE

Effective: 2013 July 01

Updated: 11/18/17

SECTION R325 ADULT FAMILY HOMES

R325.1 General. This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

R325.2 Reserved.

R325.3 Sleeping room classification. Each sleeping room in an adult family home shall be classified as:

1. Type S - Where the means of egress contains stairs, elevators or platform lifts.
2. Type NS1 - Where one means of egress is at grade level or a ramp constructed in accordance with R325.9 is provided.
3. Type NS2 - Where two means of egress are at grade level or ramps constructed in accordance with R325.9 are provided.

R325.4 Types of locking devices and door activation. All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

Operable parts of door handles, pulls, latches, locks and other devices installed in adult family homes shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. Pocket doors shall have graspable hardware available when in the closed or open position.

The force required to activate operable parts shall be 5.0 pounds (22.2 N) maximum. Required exit doors shall have no additional locking devices.

Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing reentry into the adult family home without the use of a key, tool or special knowledge.

R325.5 Smoke and carbon monoxide alarm requirements. All adult family homes shall be equipped with smoke and carbon monoxide alarms installed as required in Sections R314 and R315.1. Alarms shall be installed in such a manner so that the detection device warning is audible from all areas of the dwelling upon activation of a single alarm.

R325.6 Escape windows and doors. Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.

R325.7 Fire apparatus access roads and water supply for fire protection. Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

R325.8 Grab bar general requirements. Where facilities are designated for use by adult family home clients, grab bars for water closets, bathtubs and shower stalls shall be installed according to this section.

R325.8.1 Grab bar cross-section. Grab bars with a circular cross section shall have an outside diameter of 1 1/4 inches minimum and 2 inches maximum. Grab bars with noncircular cross section shall have a cross section dimension of 2 inches maximum and a perimeter dimension of 4 inches minimum and 4 5/8 inches maximum.

R325.8.2 Grab bar installation. Grab bars shall have a spacing of 1 1/2 inches between the wall and the bar. Projecting objects, control valves and bathtub or shower stall enclosure features above, below and at the ends of the grab bar shall have a clear space of 1 1/2 inches to the grab bar.

EXCEPTION: Swing-up grab bars shall not be required to meet the 1 1/2 inch spacing requirement.

Grab bars shall have a structural strength of 250 pounds applied at any point on the grab bar, fastener, mounting device or supporting structural member. Grab bars shall not be supported directly by any residential grade fiberglass bathing or showering unit. Acrylic bars found in bathing units shall be removed.

Fixed position grab bars, when mounted, shall not rotate, spin or move and have a graspable surface finish.

R325.8.3 Grab bars at water closets. Water closets shall have grab bars mounted on both sides. Grab bars can be a combination of fixed position and swing-up bars. Grab bars shall meet the requirements of R325.8. Grab bars shall mount between 33 inches and 36 inches above floor grade. Centerline distance between grab bars, regardless of type used, shall be between 25 inches minimum and 30 inches maximum.

R325.8.3.1 Fixed position grab bars. Fixed position grab bars shall be a minimum of 36 inches in length and start 12 inches from the rear wall.

R325.8.3.2 Swing-up grab bars. Swing-up grab bars shall be a minimum of 28 inches in length from the rear wall.

R325.8.4 Grab bars at bathtubs. Horizontal and vertical grab bars shall meet the requirements of R325.8.

R325.8.4.1 Vertical grab bars. Vertical grab bars shall be a minimum of 18 inches long and installed at the control end wall and head end wall. Grab bars shall mount within 4 inches of the exterior of the bath tub edge or within 4 inches within the bath tub. The bottom end of the bar shall start between 36 inches and 42 inches above floor grade.

EXCEPTION: The required vertical grab bar can be substituted with a floor to ceiling grab bar meeting the requirements of R325.8 at the control end and head end entry points.

R325.8.4.2 Horizontal grab bars. Horizontal grab bars shall be provided at the control end, head end, and the back wall within the bathtub area. Grab bars shall be mounted between 33 inches and 36 inches above floor grade. Control end and head end grab bars shall be 24 inches minimum in length. Back wall grab bar shall be 36 inches minimum in length.

R325.8.5 Grab bars at shower stalls. Where shower stalls are provided to meet the requirements for bathing facilities, grab bars shall meet the requirements of R325.8.

EXCEPTION: Shower stalls with permanent built-in seats are not required to have vertical or horizontal grab bars at the seat end wall. A vertical floor to ceiling grab bar shall be installed within 4 inches of the exterior of the shower aligned with the nose of the built-in seat.

R325.8.5.1 Vertical grab bars. Vertical grab bars shall be 18 inches minimum in length and installed at the control end wall and head end wall. Vertical bars shall be mounted within 4 inches of the exterior of the shower stall or within 4 inches inside the shower stall. The bottom end of vertical bars mount between 36 inches and 42 inches above floor grade.

R325.8.5.2 Horizontal grab bars. Horizontal grab bars shall be installed on all sides of the shower stall mounted between 33 inches and 36 inches above the floor grade. Horizontal grab bars shall be a maximum of 6 inches from adjacent walls. Horizontal grab bars shall not interfere with shower control valves.

R325.9 Ramps. All interior and exterior ramps, when provided, shall be constructed in accordance with Section R311.8 with a maximum slope of 1 vertical to 12 horizontal. The exception to R311.8.1 is not allowed for adult family homes. Handrails shall be installed in accordance with R325.9.1.

R325.9.1 Handrails for ramps. Handrails shall be installed on both sides of ramps between the slope of 1 vertical to 12 horizontal and 1 vertical and 20 horizontal in accordance with R311.8.3.1 through R311.8.3.3.

R325.10 Stair treads and risers. Stair treads and risers shall be constructed in accordance with R311.7.5. Handrails shall be installed in accordance with R325.10.1.

R325.10.1 Handrails for treads and risers. Handrails shall be installed on both sides of treads and risers numbering from one riser to multiple risers. Handrails shall be installed in accordance with R311.7.8.1 through R311.7.8.4

R325.11 Shower stalls. Where provided to meet the requirements for bathing facilities, the minimum size of shower stalls for an adult family home shall be 30 inches deep by 48 inches long.

[Statutory Authority: RCW 19.27.031 and chapters 19.27 and 34.05 RCW. 13-04-068, § 51-51-0325, filed 2/1/13, effective 7/1/13. Statutory Authority: Chapter 19.27 RCW. 10-18-036, § 51-51-0325, filed 8/25/10, effective 9/25/10. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 09-04-023, § 51-51-0325, filed 1/27/09, effective 7/1/10. Statutory Authority: RCW 19.27.074, 19.27.020, and chapters 19.27 and 34.05 RCW. 07-01-090, § 51-51-0325, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. 04-01-109, § 51-51-0325, filed 12/17/03, effective 7/1/04.]

NAME OF AFH: _____

SECTION 5 **MUST** BE COMPLETED BY THE BUILDING DEPARTMENT IN THE JURISDICTION THE HOME WILL BE LOCATED. PLEASE CHECK ALL APPLICABLE BOXES; MATCH THE LIST BELOW TO THE APPLICANT'S FLOOR PLAN – USING THEIR PROSPECTIVE RESIDENT BEDROOM DESIGNATIONS OF A B C D E AND F AND CLASSIFICATION CODE S, NS1 OR NS2.

SECTION 5 – BUILDING INSPECTOR'S INSPECTION CHECKLIST

R325.3 Sleeping Room Classification: Each sleeping room in an Adult family Home shall be classified as:

Type S – where the means of egress contains stairs, elevators or platform lifts to evacuate residents to public area.

Type NS1 – where 1 means of egress at grade level (has no stairs) or ramp constructed compliant with R325.9 is provided to evacuate residents to public area.

Type NS2 – where 2 means of egress at grade level (both have no stairs) or ramps constructed compliant with R325.9 are provided to evacuate residents to public area.

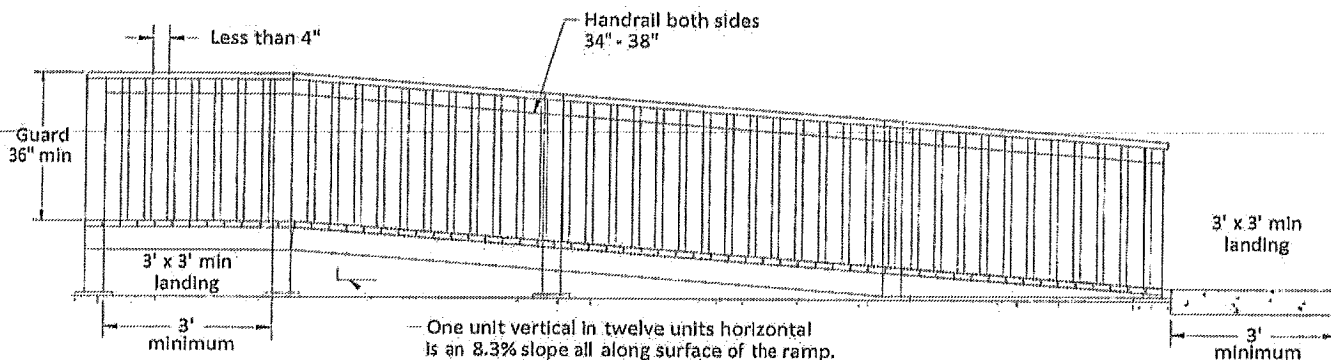
SLEEPING ROOM A		<input type="checkbox"/> Type S	<input type="checkbox"/> Type NS1	<input type="checkbox"/> Type NS2	YES	NO
Closet door/s are readily openable from the inside	Yes No	Smoke alarm is installed in the bedroom			<input type="checkbox"/>	<input type="checkbox"/>
Bedroom door opens easily and quickly from the outside when locked						
Sleeping room window has a net opening of 5.7 SF (minimum dimensions at least 24" high; at least 20" wide) EXCEPT per R310.2.1: at-grade escape windows – may have net clearance opening 5 SF					<input type="checkbox"/>	<input type="checkbox"/>
Sleeping room window has a maximum sill height of 44" above floor to clear opening; no steps under window allowed					<input type="checkbox"/>	<input type="checkbox"/>
SLEEPING ROOM B		<input type="checkbox"/> Type S	<input type="checkbox"/> Type NS1	<input type="checkbox"/> Type NS2	YES	NO
Closet door/s are readily openable from the inside	Yes No	Smoke alarm is installed in the bedroom			<input type="checkbox"/>	<input type="checkbox"/>
Bedroom door opens easily and quickly from the outside when locked						
Sleeping room window has a net opening of 5.7 SF (minimum dimensions at least 24" high; at least 20" wide) EXCEPT per R310.2.1: at-grade escape windows – may have net clearance opening 5 SF					<input type="checkbox"/>	<input type="checkbox"/>
Sleeping room window has a maximum sill height of 44" above floor to clear opening; no steps under window allowed					<input type="checkbox"/>	<input type="checkbox"/>
SLEEPING ROOM C		<input type="checkbox"/> Type S	<input type="checkbox"/> Type NS1	<input type="checkbox"/> Type NS2	YES	NO
Closet door/s are readily openable from the inside	Yes No	Smoke alarm is installed in the bedroom			<input type="checkbox"/>	<input type="checkbox"/>
Bedroom door opens easily and quickly from the outside when locked						
Sleeping room window has a net opening of 5.7 SF (minimum dimensions at least 24" high; at least 20" wide) EXCEPT per R310.2.1: at-grade escape windows – may have net clearance opening 5 SF					<input type="checkbox"/>	<input type="checkbox"/>
Sleeping room window has a maximum sill height of 44" above floor to clear opening; no steps under window allowed					<input type="checkbox"/>	<input type="checkbox"/>
SLEEPING ROOM D		<input type="checkbox"/> Type S	<input type="checkbox"/> Type NS1	<input type="checkbox"/> Type NS2	YES	NO
Closet door/s are readily openable from the inside	Yes No	Smoke alarm is installed in the bedroom			<input type="checkbox"/>	<input type="checkbox"/>
Bedroom door opens easily and quickly from the outside when locked						
Sleeping room window has a net opening of 5.7 SF (minimum dimensions at least 24" high; at least 20" wide) EXCEPT per R310.2.1: at-grade escape windows – may have net clearance opening 5 SF					<input type="checkbox"/>	<input type="checkbox"/>
Sleeping room window has a maximum sill height of 44" above floor to clear opening; no steps under window allowed					<input type="checkbox"/>	<input type="checkbox"/>
SLEEPING ROOM E		<input type="checkbox"/> Type S	<input type="checkbox"/> Type NS1	<input type="checkbox"/> Type NS2	YES	NO
Closet door/s are readily openable from the inside	Yes No	Smoke alarm is installed in the bedroom			<input type="checkbox"/>	<input type="checkbox"/>
Bedroom door opens easily and quickly from the outside when locked						
Sleeping room window has a net opening of 5.7 SF (minimum dimensions at least 24" high; at least 20" wide) EXCEPT per R310.2.1: at-grade escape windows – may have net clearance opening 5 SF					<input type="checkbox"/>	<input type="checkbox"/>
Sleeping room window has a maximum sill height of 44" above floor to clear opening; no steps under window allowed					<input type="checkbox"/>	<input type="checkbox"/>
SLEEPING ROOM F		<input type="checkbox"/> Type S	<input type="checkbox"/> Type NS1	<input type="checkbox"/> Type NS2	YES	NO
Closet door/s are readily openable from the inside	Yes No	Smoke alarm is installed in the bedroom			<input type="checkbox"/>	<input type="checkbox"/>
Bedroom door opens easily and quickly from the outside when locked						
Sleeping room window has a net opening of 5.7 SF (minimum dimensions at least 24" high; at least 20" wide) EXCEPT per R310.2.1: at-grade escape windows – may have net clearance opening 5 SF					<input type="checkbox"/>	<input type="checkbox"/>
Sleeping room window has a maximum sill height of 44" above floor to clear opening; no steps under window allowed					<input type="checkbox"/>	<input type="checkbox"/>

Effective: 2013 July 01

Updated: 11/24/17

GENERAL		YES	NO
Bathroom doors are easily and quickly openable from the outside when locked		<input type="checkbox"/>	<input type="checkbox"/>
Carbon Monoxide alarms are installed as required in R315 on each level of the home.		<input type="checkbox"/>	<input type="checkbox"/>
Smoke alarms are installed on all levels of the dwelling, in each resident sleeping room, outside each separate sleeping area in the immediate vicinity of sleeping rooms (R314).		<input type="checkbox"/>	<input type="checkbox"/>
Smoke and Carbon Monoxide alarms are installed in such a manner so that the audible warning may be heard in all parts of the dwelling upon activation of a single device.		<input type="checkbox"/>	<input type="checkbox"/>
Access road and water supply meet local fire jurisdictional requirements.		<input type="checkbox"/>	<input type="checkbox"/>
R325.4 Operable parts of door handles, pulls, latches, locks and other devices installed in AFH shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist (lever-type).		<input type="checkbox"/>	<input type="checkbox"/>
Pocket doors shall have graspable hardware available when in the closed or open position.		<input type="checkbox"/>	<input type="checkbox"/>

R311.8 Ramps		YES	NO
Inside Ramp	N/A		
R311.8.1 Maximum Slope one unit vertical in twelve units horizontal (8.3% slope). (Exception R311.8.1 Not allowed in AFH)		<input type="checkbox"/>	<input type="checkbox"/>
R311.8.2 Landing Requirements: min. 3X3 foot landing at top/bottom, where doors open onto ramps, and where ramp changes directions.		<input type="checkbox"/>	<input type="checkbox"/>
R325.9.1 Handrails required on both sides of ramp in accordance with R311.8.3.1–R311.8.3.3.		<input type="checkbox"/>	<input type="checkbox"/>
Outside Ramp	N/A	YES	NO
R311.8.1 Maximum Slope one unit vertical in twelve units horizontal (8.3% slope). (Exception R311.8.1 Not allowed in AFH)		<input type="checkbox"/>	<input type="checkbox"/>
R311.8.2 Landing Requirements: min. 3X3 foot landing at top/bottom, where doors open onto ramps, and where ramp changes directions.		<input type="checkbox"/>	<input type="checkbox"/>
R325.9.1 Handrails required on both sides of ramp in accordance with R311.8.3.1–R311.8.3.3.		<input type="checkbox"/>	<input type="checkbox"/>
Guards below are depicted vertically as an example only. All Ramps must have Guards		<input type="checkbox"/>	<input type="checkbox"/>



R311.2 Means of Egress		YES	NO
R311.2 Door must be side-hinged with min. width of 32 inches between face of door and stop. Height not less than 78 inches.		<input type="checkbox"/>	<input type="checkbox"/>
R325.4 Operable parts of door handles, pulls, latches, locks and other devices installed in AFH shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist (lever-type).		<input type="checkbox"/>	<input type="checkbox"/>
R325.4 Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing re-entry without use of key, tool or special knowledge.		<input type="checkbox"/>	<input type="checkbox"/>
R311.7 Stairways	N/A	YES	NO
R311.7.5.1 Riser Height: Max riser height shall be 7 1/4 inches (8 inches in structures built prior to July 1, 2004)		<input type="checkbox"/>	<input type="checkbox"/>
R311.7.5.2 Tread Depth: Min. tread depth shall be 10 inches (9 inches in structures built prior to July 1, 2004)		<input type="checkbox"/>	<input type="checkbox"/>
R325.10.1 Handrails for Treads and Risers shall be installed on both sides of treads and risers numbering from one riser to multiple Risers. Handrails shall be installed in accordance with R311.7.8.1 – R311.7.8.4		<input type="checkbox"/>	<input type="checkbox"/>

Effective: 2013 July 01
Updated: 11/24/17

R325.8 Grab Bars In Bathrooms	N/A		YES	NO
Grab bars shall be installed for all water closets (toilets), bathtubs and showers according to R325.8.			<input type="checkbox"/>	<input type="checkbox"/>
Water Closets (toilet) shall have grab bars installed on both sides according to R325.8 – R325.8.3.1 or R325.8.3.2.			<input type="checkbox"/>	<input type="checkbox"/>
Bathtubs shall have two vertical and three horizontal grab bars installed according to R325.8 - R325.8.4 – R325.8.4.2			<input type="checkbox"/>	<input type="checkbox"/>
Shower stalls have two vertical and horizontal grab bars mounted on all sides of shower according to R325.8 – R325.8.5 – R325.8.5.2.			<input type="checkbox"/>	<input type="checkbox"/>
Shower stalls must be minimum size of 30 inches deep by 48 inches long (R325.11)			<input type="checkbox"/>	<input type="checkbox"/>
AG103 – AG105 Swimming Pool, Spa, Hot Tub			YES	NO
AF105.2 Must be surrounded by a barrier that is 48 inches high, may have doors and or gates that must have audible alarms when opened.			<input type="checkbox"/>	<input type="checkbox"/>
AG105.5 EXCEPTION: Pools, Spas or Hot Tubs with a safety cover which complies with ASTM F 1346			<input type="checkbox"/>	<input type="checkbox"/>
<div style="display: flex; justify-content: space-between;"> PASSED CORRECTIONS REQUIRED PERMIT REQUIRED </div> <div style="display: flex; justify-content: space-between;"> <div> INSPECTOR'S NAME (PRINT) INSPECTOR'S SIGNATURE INSPECTOR'S OFFICE ADDRESS </div> <div> DATE: PHONE NUMBER: </div> </div>				
Application and inspection checklist developed by Washington Association of Building Officials (WABO), in cooperation with Department of Social and Health Services (DSHS) for use by both departments and licensors. 07/01/2013				



**CITY OF LAKEWOOD
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

February 7, 2018

Subject: Election of Chair and Vice-Chair

I. Background

The Planning Commission Bylaws, Section 1, states that the Chair and Vice-Chair shall be elected each year for a one-year term at the first regular meeting of each calendar year.

II. Process for making nominations

1. The presiding officer opens the floor for nominations.
2. A Commissioner makes a nomination for a specific office.
3. Nominations do not require a second (and it is not out of order for members to second a nomination to signal their endorsement).
4. A Commissioner can nominate himself/herself.
5. A Commissioner should not offer more than one nomination until all other Commissioners have had the opportunity to make nominations.
6. The presiding officer can continue presiding, even if he/she is one of the nominees for the office.
7. A Commissioner can decline the nomination during the nominating process.
8. After each nomination, the presiding officer repeats the name of the nominee to the Commission and public.
9. Nominations are taken for successive offices in the order they are listed in the bylaws (Chair and Vice-Chair).
10. Motions to close nominations are unnecessary because the nomination process simply continues until no one wishes to make further nominations.

III. Alternatives

Defer nominations to another date.