



DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division

Joan Davenport, AICP, Director

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov • www.yakimawa.gov/services/planning

**CITY OF YAKIMA
NOTICE OF APPLICATION, PUBLIC HEARING AND DETERMINATION OF NON-
SIGNIFICANCE**

DATE: May 27, 2016
TO: SEPA Reviewing Agencies, and Interested Parties
FROM: Joan Davenport, Community Development Manager
SUBJECT: Notice of Application, Public Hearing and Determination of Non-Significance

NOTICE OF APPLICATION

Project Location: Citywide.
Project Applicant: City of Yakima, Planning Division
File Numbers: SEPA #013-16
Date of Application: May 27, 2016
Date of Determination of Completeness: May 27, 2016

PROJECT DESCRIPTION

The City of Yakima Planning Department is proposing an amendment to the City of Yakima's Urban Area Zoning Ordinance adding new land uses and regulations to YMC Ch. 15.04 Table 4-1 Permitted Land Uses, and Ch. 15.09 Special Development Standards relating to I-502 Marijuana Uses. The draft ordinance more specifically proposes language to:

1. Repeal the City's ban on marijuana uses YMC § 15.01.035,;
2. Adopt the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives, or as otherwise proposed to be reduced or increased by the Yakima City Planning Commission;
3. Amend YMC 15.04 Table 4-1 Permitted Uses to permit:
 - a. Recreational marijuana producers as a Class (1) Permitted Use in the Light Industrial (M-1), and Heavy Industrial (M-2) zoning districts;
 - b. Recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development (RD) zoning districts, and Airport Service Districts (AS); and
 - c. Prohibit recreational marijuana uses in all other zoning districts; and
4. Amend YMC Ch. 15.09 Special Development Standards to include or make reference to all required definitions, provisions, or regulations provided for in state

law, and all other land use or licensing controls/regulations/provisions developed by the City of Yakima Planning Commission.

The draft ordinance has been created to provide a framework which encompasses all applicable state laws regarding I-502 legislation and uses, and is the starting point for further development of land use controls by the City of Yakima Planning Commission. (See Environmental Checklist SEPA#013-16 for further description and explanation online at: <https://www.yakimawa.gov/services/planning/502-information-proposed-land-use-amendments/>)

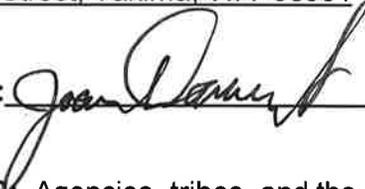
ENVIRONMENTAL REVIEW

The City of Yakima has reviewed the proposed project for probable adverse environmental impacts, and has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2) (c). The information relied upon in reaching this determination is available to the public upon request at the City of Yakima Planning Division.

This DNS is issued under WAC § 197-11-340(2); the lead agency will not act on this proposal for 20 days from the date below.

Responsible Official: Joan Davenport, AICP
Position/Title: SEPA Responsible Official
Phone: (509) 575-6183
Address: 129 N. 2nd Street, Yakima, WA 98901

Date: May 27, 2016

Signature:  _____

REQUEST FOR WRITTEN COMMENTS: Agencies, tribes, and the public are encouraged to review and comment on the proposed application. All written comments received by **June 16, 2016**, will be considered prior issuance of the final threshold determination. Please send written comments to: Joan Davenport, AICP, Community Development Manager; City of Yakima, Department of Community Development; 129 North 2nd Street, Yakima, Washington 98901; or by email to ask.planning@yakimawa.gov.

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal: No impacts identified.

Required Permits – None.

Required Studies – None.

Existing Environmental Documents: SEPA/GMA Integrated Environmental Summary.

Preliminary determination of the development regulations that will be used for project mitigation and consistency: N/A

NOTICE OF DECISION

Decisions and future notices will be sent to anyone who submits comments on this application or request additional notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington. If you have any question on this proposal, please call Jeff Peters, Supervising Planner at (509) 575-6163 or e-mail at jeff.peters@yakimawa.gov.

NOTICE OF PUBLIC HEARING This application will require two public hearings; one before the City of Yakima Planning Commission to be followed by a public hearing before the Yakima City Council. The public hearing before the City of Yakima Planning Commission has been scheduled for **June, 16, 2016**, beginning at **5:30 pm**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.**

Encl.: SEPA Checklist, Draft Ordinance



LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT

129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901

PHONE: (509) 575-6183 FAX: (509) 575-6105

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of several parts. PART I - GENERAL INFORMATION, PART II – SUPPLEMENTAL APPLICATION, and PART III – CERTIFICATION are on this page. PART II, III, and IV contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	City of Yakima Planning Department						
	Mailing Address:	129 North Second Street						
	City:	Yakima	St:	WA	Zip:	98901	Phone :	(509) 575-6183
	E-Mail:							
2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input checked="" type="checkbox"/> Other: Local Government			
3. Property Owner's Information (If other than Applicant):	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone :	()
	E-Mail:							
4. Subject Property's Assessor's Parcel Number(s):								
5. Legal Description of Property. (if lengthy, please attach it on a separate document) N/A								
6. Property Address: N/A								
7. Property's Existing Zoning: <input checked="" type="checkbox"/> SR <input checked="" type="checkbox"/> R-1 <input checked="" type="checkbox"/> R-2 <input checked="" type="checkbox"/> R-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input checked="" type="checkbox"/> HB <input checked="" type="checkbox"/> SCC <input checked="" type="checkbox"/> LCC <input checked="" type="checkbox"/> CBD <input checked="" type="checkbox"/> GC <input checked="" type="checkbox"/> AS <input checked="" type="checkbox"/> RD <input checked="" type="checkbox"/> M-1 <input checked="" type="checkbox"/> M-2								
8. Type Of Application: (Check All That Apply)								
<input type="checkbox"/> Administrative Adjustment	<input checked="" type="checkbox"/> Environmental Checklist (SEPA Review)	<input type="checkbox"/> Easement Release						
<input type="checkbox"/> Type (1) Review	<input type="checkbox"/> Right-of-Way Vacation	<input type="checkbox"/> Rezone						
<input type="checkbox"/> Type (2) Review	<input type="checkbox"/> Transportation Concurrency	<input type="checkbox"/> Shoreline						
<input type="checkbox"/> Type (3) Review	<input type="checkbox"/> Non-Conforming Use/Structure	<input type="checkbox"/> Critical Areas Review						
<input type="checkbox"/> Preliminary Short Plat	<input type="checkbox"/> Appeal to HE / City Council	<input type="checkbox"/> Variance						
<input type="checkbox"/> Final Short Plat	<input type="checkbox"/> Interpretation by Hearing Examiner	<input type="checkbox"/> Temporary Use Permit						
<input type="checkbox"/> Short Plat Amendment	<input type="checkbox"/> Modification	<input type="checkbox"/> Overlay District						
<input type="checkbox"/> Preliminary Long Plat	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Binding Site Plan						
<input type="checkbox"/> Final Long Plat	<input type="checkbox"/> Comprehensive Plan Text or Map Amendment	<input type="checkbox"/> Planned Development						
<input type="checkbox"/> Plat Alteration –Long Plat	<input type="checkbox"/> Short Plat Exemption: _____	<input checked="" type="checkbox"/> Other: <u>Zoning Ordinance Amendment</u>						

PART II – SUPPLEMENTAL APPLICATION – SEPA CHECKLIST

9. Environmental Checklist (see attached forms)

PART III – CERTIFICATION

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

City of Yakima Planning Dept.
 Property Owner's Signature _____ Date _____
Jeff Peters - Jeff Peters Supervising Planner
 Applicant's Signature _____ Date 5-27-16

FILE/APPLICATION(S)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:



ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words “project”, “applicant”, and “property or site” should be read as “proposal,” “proponent,” and “affected geographic area,” respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable):** City of Yakima Urban Area Zoning Ordinance I-502 Marijuana Amendment.

2. **Applicant's Name & Phone:** City of Yakima Planning Department, 509-575-6183.

3. **Applicant's Address:** 129 North Second Street, Yakima, WA 98901.

4. **Contact Person & Phone:** Jeff Peters at (509) 575-6163

5. **Agency Requesting Checklist:** City of Yakima

6. **Proposed Timing Or Schedule (Including Phasing, If Applicable):** None

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:** Not at this time.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:** None.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain: This ordinance has the potential to both limit and permit both state licensed I-502 marijuana facilities, and proposed marijuana facilities within the City of Yakima city limits.

10. List any government approvals or permits that will be needed for your proposal, if known: SEPA determination, City of Yakima Planning Commission Public Hearing, and City Council Approval.

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

This proposal includes an amendment to the City of Yakima's Urban Area Zoning Ordinance adding new land uses and regulations to YMC Ch. 15.04 Table 4-1 Permitted Land Uses, and Ch. 15.09 Special Development Standards relating to I-502 Marijuana Uses. The draft ordinance more specifically proposes language to:

1. Repeal the City's ban on marijuana uses YMC § 15.01.035,;
2. Adopt the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives, or as otherwise proposed to be reduced or increased by the Yakima City Planning Commission;
3. Amend YMC 15.04 Table 4-1 Permitted Uses to permit:
 - a. Recreational marijuana producers as a Class (1) Permitted Use in the Light Industrial (M-1), and Heavy Industrial (M-2) zoning districts;
 - b. Recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development (RD) zoning districts, and Airport Service Districts (AS); and
 - c. Prohibit recreational marijuana production, processing or retailing in all other zoning districts; and
4. Amend YMC Ch. 15.09 Special Development Standards to include or make reference to all required definitions, provisions, or regulations provided for in state law, and all other land use or licensing controls/regulations/provisions developed by the City of Yakima Planning Commission.

The draft ordinance has been created to provide a framework which encompasses all applicable state laws regarding I-502 legislation and uses, and is the starting point for further development of land use controls by the City of Yakima Planning Commission.

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

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
1. Earth	
a. General description of the site (✓ one):	
<input checked="" type="checkbox"/> flat <input checked="" type="checkbox"/> rolling <input checked="" type="checkbox"/> hilly <input checked="" type="checkbox"/> steep slopes <input checked="" type="checkbox"/> mountainous <input checked="" type="checkbox"/> other	
b. What is the steepest slope on the site (approximate percent slope)? N/A.	
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. See United States Department of Agriculture Soil Conservation Service <u>Soil Survey of Yakima County Area Washington.</u>	
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. See United States Department of Agriculture Soil Conservation Service <u>Soil Survey of Yakima County Area Washington.</u>	
e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. None	
f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. N/A	
g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A	
h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: N/A	
2. Air	
a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. The proposal is to develop regulations for I-502 marijuana business and is considered a non-project action which would not produce emissions to the air. However, the draft ordinance upon completion of public comment and review, could be amended to include regulations which limit emission from marijuana producers and processors.	
b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. N/A	

c. Proposed measures to reduce or control emissions or other impacts to air, if any:	
3. Water	
a. Surface Water	
B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. N/A	
2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A	
3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A	
4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No	
5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A	
6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A	
b. Ground Water	
1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. N/A	
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A	

c. Water Runoff (including stormwater)						Space Reserved for Agency Comments
B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)						
1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A						
2. Could waste materials enter ground or surface waters? If so, generally describe. N/A						
3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. N/A						
d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: N/A						
4. Plants						
a. Check (✓) types of vegetation found on the site:						
Deciduous Tree:	<input checked="" type="checkbox"/> Alder	<input checked="" type="checkbox"/> Maple	<input checked="" type="checkbox"/> Aspen		<input checked="" type="checkbox"/> Other	
Evergreen Green:	<input checked="" type="checkbox"/> Fir	<input checked="" type="checkbox"/> Cedar	<input checked="" type="checkbox"/> Pine		<input checked="" type="checkbox"/> Other	
	<input checked="" type="checkbox"/> Shrubs	<input checked="" type="checkbox"/> Grass	<input checked="" type="checkbox"/> Pasture	<input checked="" type="checkbox"/> Crop Or Grain	<input checked="" type="checkbox"/> Orchards, vineyards, or other permanent crops	
Wet Soil Plants:	<input checked="" type="checkbox"/> Cattail	<input checked="" type="checkbox"/> Buttercup	<input checked="" type="checkbox"/> Bullrush	<input checked="" type="checkbox"/> Skunk Cabbage	<input checked="" type="checkbox"/> Other	
Water Plants:	<input checked="" type="checkbox"/> Milfoil	<input checked="" type="checkbox"/> Eelgrass	<input checked="" type="checkbox"/> Water Lily		<input checked="" type="checkbox"/> Other	
<input checked="" type="checkbox"/> Other types of vegetation						
b. What kind and amount of vegetation will be removed or altered? None						
c. List threatened or endangered species known to be on or near the site. There are minor amounts of threatened or endangered species known to live in or around the city limits of Yakima, however this proposal does not involve any change to the land or habitat, and is considered non-project.						
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A						
e. List all noxious weeds and invasive species known to be on or near the site. N/A						
5. Animals						

<p>a. List any birds or other animals which have been observed on or near the site or are known to be on or near the site. <i>Examples include:</i> <i>birds: hawk, heron, eagle, songbirds, other:</i> <i>mammals: deer, bear, elk, beaver, other:</i> <i>fish: bass, salmon, trout, herring, shellfish, other _____</i></p> <p>N/A</p>	
<p>b. List any threatened or endangered species known to be on or near the site. There are minor amounts of threatened or endangered species know to live in or around the city limits of Yakima, however this proposal does not involve any change to the land or habitat, and is considered non-project.</p>	
<p>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</p>	<p>Space Reserved for Agency Comments</p>
<p>c. Is the site part of a migration route? If so, explain. Migratory birds may utilize property within the City limits; however this proposal does not involve any change to the land or habitat, and is considered non-project.</p>	
<p>d. Proposed measures to preserve or enhance wildlife, if any: N/A</p>	
<p>e. List any invasive animal species known to be on or near the site. N/A</p>	
<p>6. Energy and Natural Resources</p>	
<p>a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. This proposal is to develop regulations for I-502 marijuana business and is considered a non-project action. However, the draft ordinance upon completion of public comment and review, could be amended to include regulations which limit or permit various forms of energy consumption for I-502 producers and processors.</p>	
<p>b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. N/A</p>	
<p>c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: This proposal is to develop regulations for I-502 marijuana business and is considered a non-project action. However, the draft ordinance upon completion of public comment and review, could be amended to include regulations which require energy conservation for I-502 producers and processors.</p>	
<p>7. Environmental Health</p>	
<p>a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. This proposal is to develop regulations for I-502 marijuana business and is considered a non-project action. The draft ordinance upon completion of public comment and review may contain regulations which address environmental health hazards as identified above.</p>	
<p>1. Describe any known or possible contamination at the site from present or past uses. N/A</p>	

<p>2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. N/A</p>	
<p>3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. N/A</p>	
<p>4. Describe special emergency services that might be required. N/A</p>	
<p>5. Proposed measures to reduce or control environmental health hazards, if any: N/A</p>	
<p>b. Noise</p>	
<p>1. What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)? N/A</p>	
<p>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</p>	
<p>2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. This proposal is a non-project action.</p>	<p>Space Reserved for Agency Comments</p>
<p>3. Proposed measures to reduce or control noise impacts, if any: N/A</p>	
<p>8. Land and Shoreline Use</p>	
<p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. N/A</p>	
<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? N/A</p> <p>1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: N/A</p>	

c. Describe any structures on the site. N/A	
d. Will any structures be demolished? If so, what? N/A	
e. What is the current zoning classification of the site? N/A	
f. What is the current comprehensive plan designation of the site? N/A	
g. If applicable, what is the current shoreline master program designation of the site? N/A	
h. Has any part of the site been classified as a critical area by the city or county? If so, specify. N/A	
i. Approximately how many people would reside or work in the completed project? N/A	
j. Approximately how many people would the completed project displace? N/A	
B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
k. Proposed measures to avoid or reduce displacement impacts, if any. N/A	
l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The City's I-502 Marijuana regulations are intended to comply with state law and address any additional environmental impacts that may result from permitting the uses within the identified zoning districts.	
m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: The City's I-502 Marijuana regulations are intended to comply with state law and address any additional environmental impacts that may result from permitting the uses within the identified zoning districts.	
9. Housing	
a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. N/A	

<p>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A</p>	
<p>c. Proposed measures to reduce or control housing impacts, if any: N/A</p>	
<p>10. Aesthetics</p>	
<p>a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A</p>	
<p>b. What views in the immediate vicinity would be altered or obstructed? N/A</p>	
<p>c. Proposed measures to reduce or control aesthetic impacts, if any: The City's draft I-502 marijuana regulations may include provisions to ensure that uses are compatible with their surroundings in terms of aesthetic impacts.</p>	
<p>11. Light and Glare</p>	
<p>a. What type of light or glare will the proposal produce? What time of day would it mainly occur? N/A</p>	
<p>b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A</p>	
<p>c. What existing off-site sources of light or glare may affect your proposal? N/A</p>	
<p>d. Proposed measures to reduce or control light and glare impacts, if any: N/A</p>	
<p>12. Recreation</p>	
<p>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</p>	<p>Space Reserved for Agency Comments</p>
<p>a. What designated and informal recreational opportunities are in the immediate vicinity? N/A</p>	
<p>b. Would the proposed project displace any existing recreational uses? If so, describe. N/A</p>	
<p>c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A</p>	
<p>13. Historic and Cultural Preservation</p>	
<p>a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. N/A</p>	

<p>b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A</p>	
<p>c. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A</p>	
14. Transportation	
<p>a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. N/A</p>	
<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A</p>	
<p>c. How many parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A</p>	
<p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). N/A</p>	
<p>e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A</p>	
B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
<p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? N/A</p>	
<p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe: N/A</p>	

<p>h. Proposed measures to reduce or control transportation impacts, if any: N/A</p>	
<p>15. Public Services</p>	
<p>a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe: N/A</p>	
<p>b. Proposed measures to reduce or control direct impacts on public services, if any. N/A</p>	
<p>16. Utilities</p>	
<p>a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other <u>N/A</u></p>	
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. N/A</p>	
<p>C. SIGNATURE (To be completed by the applicant.)</p>	
<p>The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.</p>	
<p><i>Jeff Peters</i> Property Owner or Agent Signature</p>	<p>5/27/16 Date Submitted</p>
<p><i>Jeff Peters</i> Name of Signee</p>	<p><i>Supervising Planner City of Yakima</i> Position and Agency/Organization</p>
<p>PLEASE COMPLETE SECTION "D" ON THE NEXT PAGE IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW</p>	

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions)	Space Reserved For Agency Comments
<p>Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.</p>	
<p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?</p> <p>The proposed I-502 marijuana regulations at present do not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise. However, as it is know that marijuana producer and processing facilities both produce discharge of process water, and emissions to the air, additional restriction and land use controls are likely to be developed.</p>	
<p>Proposed measures to avoid or reduce such increases are: Proposed measures to reduce the above effects of marijuana producers and processors on the environment will likely be developed based upon the input from SEPA agencies during the public comment period.</p>	
<p>2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed zoning changes will not affect plants, animals, fish, or marine life as all the proposed changes will not change any existing environmental regulations.</p>	
<p>Proposed measures to protect or conserve plants, animals, fish, or marine life are: As the proposal will not affect any of the above animal life, no measures to protect or conserve plant and animal life have been proposed.</p>	
<p>3. How would the proposal be likely to deplete energy or natural resources? The proposed zoning amendments do not involve regulations dealing with energy or natural resources.</p>	
<p>Proposed measures to protect or conserve energy and natural resources are: None proposed.</p>	
<p>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The proposed zoning amendments do not propose any change to regulations for environmentally sensitive areas or areas designated for governmental protection.</p>	
<p>Proposed measures to protect such resources or to avoid or reduce impacts are: None proposed.</p>	
<p>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The proposed zoning amendments do not propose any change to regulations for shoreline uses.</p>	
<p>Proposed measures to avoid or reduce shoreline and land use impacts are: None proposed.</p>	
<p>6. How would the proposal be likely to increase demands on transportation or public services and utilities? The proposed zoning amendments do not propose any change to regulations for public transportation, and upon completion of environmental review contain additional regulation for marijuana producers and processors to discharge to the City's Industrial Waste Line may be formulated.</p>	

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions)	Space Reserved For Agency Comments
<p>Proposed measures to reduce or respond to such demand(s) are: None proposed.</p>	
<p>7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed zoning amendments will not conflict with any local or state laws, or requirements for the protection of the environment, and have been drafted to contain all provisions and restrictions of state law regarding I-502 marijuana uses. Any additions or subtractions from the draft ordinance will likewise conform to state law. Marijuana continues to be listed as an illegal substance under the federal substance control act, however, the USDOJ, in letter form, indicated that the federal government would respect the determination of the citizens of Washington to legalize marijuana for recreational purposes (under most circumstances).</p>	

ORDINANCE NO. 2016-

AN ORDINANCE

relating to land use and zoning, allowing recreational marijuana producers and processors as a permitted use in the Light Industrial (M-1) and Heavy Industrial (M-2) zones; allowing recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development District (RD), and Airport Support District (AS); prohibiting recreational marijuana uses in all other zones; adopting the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives; and adopting other restrictions on the locations of these recreational marijuana uses, and repealing YMC Section 15.01.035.

WHEREAS, in November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (now Liquor and Cannabis Board—both collectively referred to as “LCB”) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, since I-502’s effective date, the LCB has adopted numerous rules and a regulatory scheme to address the methods of producing, processing and packaging of recreational marijuana, security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements and methods of transport of product throughout the state, taxing, license fees, penalties and other necessary regulations for marijuana related businesses; and

WHEREAS, on January 17, 2012, the City Council of the City of Yakima enacted Ordinance No. 2012-003, which provided that no use that is illegal under local, state or federal law shall be allowed in any zone of the city, and applying such regulation to medical marijuana dispensaries and collective gardens; and

WHEREAS, on October 8, 2013, the City Council of the City of Yakima enacted Ordinance No. 2013-048, which adopted and imposed a moratorium on the production, processing and retail sales of marijuana within the City of Yakima; and

WHEREAS, on January 21, 2014, the City Council of the City of Yakima enacted Ordinance No. 2014-001, which prohibited the production, processing and/or retail outlets and sales of marijuana in all zones of the city, and terminated the moratorium imposed on October 8, 2013; and

WHEREAS, in 2015, the Washington State Legislature combined the medical marijuana and recreational marijuana systems into one recreational marijuana system, added neighborhood cooperatives, and banned collective gardens in 2E2SHB 2136; and

WHEREAS, on May 17, 2016, the City Council of the City of Yakima voted in favor of repealing the ban on recreational marijuana producing, processing and distributing in Yakima and sent the zoning issues to the Planning Commission for review through the Planning Commission procedures and to provide a recommendation to Council; and

WHEREAS, the Planning Commission has held and conducted an open record public hearing on June 16, 2016, with special meetings on May 24, 2016, June 1, 2016, June 8, 2016 and June 16, 2016, all pursuant to required notice and applicable procedures of the City of Yakima, and has adopted findings of fact and conclusions of law in support of its recommendation for adoption of zoning provisions outlined herein, which Findings of Fact and Conclusions of Law are of record and incorporated herein by reference; and

WHEREAS, the City Council has held and conducted a public hearing on July 5, 2016, and considered the recommendation of the Planning Commission, the record herein, and all evidence and testimony presented; and,

WHEREAS, the City Council finds and determines that approval of such amendments is in the best interests of the residents of the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Repealer. Ord. No. 2012-003 and Ord. No. 2014-001, are hereby REPEALED.

Section 2. Repealer. Section 15.01.035—Illegal Uses Prohibited, is hereby REPEALED.

Section 3. Section 15.04.030—Table of Permitted Land Uses—of the Yakima Urban Area Zoning Ordinance is hereby amended to add as separate entities “marijuana production” and “marijuana processing” as Class 1 permitted uses in the following land use districts: Light Industrial (M-1) and Heavy Industrial (M-2), and to add the following new note **:

** See YMC 15.09.220 for general development requirements for marijuana uses.

The “marijuana production” use shall be placed alphabetically in the use chart immediately below the “Agriculture—Commercial” listing. The “marijuana processing” use shall be placed directly below the “Manufacturing” listing.

Section 4. Section 15.04-030—Table of Permitted Land Uses—of the Yakima Urban Area Zoning Ordinance is hereby amended to add “marijuana retail” as a permitted use in the following land use districts: Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development District (RD), and Airport Support District (AS), and to reference note **.

The “marijuana retail” use shall be placed alphabetically in the use chart immediately below the “Retail, Trade and Service” listing.

Section 5. Section 15.09.220 shall be added to the Yakima Municipal Code to read as follows:

15.09.220 Marijuana Uses

A. Purpose. The purpose of this section is to regulate marijuana producers, processors, and retailers regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and performance standards. Further, the purpose of this section is to regulate neighborhood cooperatives as allowed by 2E2SHB 2136, as now written

or hereafter codified. Marijuana producers, processors and retailers, as well as neighborhood cooperatives shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law.

B. Definitions. The following definitions are specific to marijuana uses and shall have the following meanings:

1. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours and is licensed by the Washington state department of early learning under chapter 170-295 WAC.

2. "Director" means the Director of the City of Yakima Community Development Director or his or her designee.

3. "Elementary School" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

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

5. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

6. "Marijuana" or "marihuana" 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 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

7. "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

8. "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

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

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

11. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

12. "Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

13. "Public Transit Center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

14. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

15. "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

16. "Secondary School" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

C. Marijuana producers, processors, and retailers must comply with all requirements of Chapter 69.50 and 69.51A RCW, chapter 314-55 WAC, now or as hereafter amended, and all applicable City of Yakima ordinances, standards, and codes, including the requirement to obtain a City of Yakima business license.

D. Limitations on Locations: Producers, Processors and Retailers. The following limitations shall apply to all marijuana producers, processors and retailers, in addition to the limitations outlined in YMC 15.04.030, unless stated otherwise:

1. A marijuana producer, retailer, or processor shall not be located within 1,000 feet of the perimeter of the grounds of the following uses, or any use included in Chapter 314-55 of the Washington Administrative Code (WAC) now existing or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- c. Recreation center or facility;
- d. Child care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries; and
- h. Any game arcade, as defined herein.

2. No marijuana producer, processor, or retailer shall be allowed to locate within any residential district of the City of Yakima.

3. All separation requirements shall be measured as the shortest straightline distance from the property line of the proposed building/business location of a marijuana producer, marijuana processor or marijuana retailer to the property line of the entities listed in subsection (D)(1) above.

E. Structure Requirements. All marijuana processors, marijuana producers and marijuana retailers shall operate in a permanent structure designed to comply with the City Building Code.

F. Neighborhood Cooperatives. Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of the members of the cooperative, pursuant to Part X: Medical Use of Marijuana of 2E2SHB 2136, and as codified in 69.51A.250 RCW. Neighborhood cooperatives shall follow all statutes, regulations and rules instituted by the legislature or Washington State Liquor and Cannabis Board, as well as the provisions outlined herein.

G. Limitations on Locations—Neighborhood Cooperatives. The following limitations shall apply to all neighborhood cooperatives:

1. A neighborhood cooperative shall not be located within 1,000 feet of the perimeter of the grounds of the following uses, or any use included in Chapter 314-55 WAC now existing or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- c. Recreation center or facility;
- d. Child care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries; and
- h. Any game arcade, as defined herein.

2. No cooperative may be located within one mile of a marijuana retailer.

3. All neighborhood cooperatives shall be located within the domicile of one of the participants in the cooperative.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL signed and approved this _____ day of July, 2016.

Avina Gutiérrez, Mayor

ATTEST:

City Clerk

Publication Date: _____

Effective Date: _____

DRAFT