

**City of Woodland
Planning Commission Agenda Summary Sheet**

Agenda Item: Zoning Text Amendment (ZTA-22-001) prohibiting marijuana retail stores in the Highway Commercial (C-2) zoning district. (ORD 1464)

Agenda Item #: Workshop

For Agenda of: 2/17/2022

Department: Community Development

Date Submitted: 2/7/2022

Cost of Item: _____

Amount Budgeted: _____

Unexpended Balance: _____

BARS #:

Description:

Department Supervisor Approval: Travis Goddard, CD Director / s /

Committee Recommendation: N/A

Agenda Item Supporting Narrative: (list attachments, supporting documents):

- 1) Ordinance 1464 - AN ORDINANCE PROVIDING FOR THE RETAIL SALE OF MARIJUANA
- 2) SEPA checklist packet (SEP-20-008) for the SEPA review completed in 2020.

Summary Statement:

Staff has had several conversations with business operators who desire to open retail businesses in the Highway Commercial Zones. A citizen is asking for the code to be changed to allow retail sales of marijuana.

Staff has prepared was draft ordinance for making retail sales of marijuana a permitted use in the Highway Commercial (C-2) zoning district.

Recreational marijuana is already regulated under WMC 17.50 which includes criteria for the location and operation of retail establishments.

A public hearing is required and is scheduled for February 17th, 2022 before the Planning Commission and another on March 7th, 2022 at the regularly scheduled city council meeting.

An environmental checklist for review of the ordinance was prepared when this code amendment was considered in August of 2020. That SEPA decision packet has been attached. In 2020, the attached ordinance was also routed to the Department of Commerce for review and review was completed. If approved, no additional Department of Commerce review is necessary and the ordinance could be put into effect as approved in the ordinance.

ORDINANCE NO. 1464

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE PROVIDING FOR THE RETAIL SALE OF MARIJUANA

WHEREAS, in 2012 Washington State voters adopted Initiative 502 that established a State regulatory environment regarding the production, processing, and retail sales of recreational marijuana with said uses defined within RCW 69.50.101; and

WHEREAS, the Washington State Attorney General opined that Initiative 502 does not preempt local authority to ban or otherwise regulate marijuana-related land uses within their jurisdictions through land use or business requirements; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, the City Council scheduled a public hearing for March 7th, 2022 to consider the proposed ordinance; and

WHEREAS, notice for the public hearing has been published in the newspaper of record and posted as required by code; and

WHEREAS, after hearing testimony, the City Council determined retail sales of marijuana is warranted to be added to the highway Commercial (C-2) zoning districts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. Repeal and Replace WMC 17.36.020

Old Section WMC 17.36.020 – The existing code section to be superseded and replaced reads as follows:

(25) Retail stores;

New Section WMC 17.36.020 – The code section is amended to read as follows:

(25) Retail stores including sales of marijuana pursuant to Chapter 17.50;

Section 2. Repeal and Replace WMC 17.36.040

Old Section WMC 17.36.040 – The existing code section to be superseded and replaced reads as follows:

(D) Marijuana retailer;

New Section WMC 17.36.040 – The code section is amended to read as follows:

(D) DELETED;

Section 3. Repeal and Replace WMC 17.50.040

Old Section WMC 17.50.040 – The existing code section to be superseded and replaced reads as follows:

(B) Recreational marijuana retail outlets and retail uses are prohibited in all zoning designations.

New Section WMC 17.50.040 – The code section is amended to read as follows:

(B) Recreational marijuana retail outlets and retail uses are prohibited in all zoning designations except the Highway Commercial (C-2) district where it is a permitted use.

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

Section 5: Effective Date. This ordinance shall become effective five (5) days after its summary publication in this media or paper of record as required by law.

ADOPTED this _____ day of March, 2022.

CITY OF WOODLAND, WASHINGTON

Approved:

William A Finn, Mayor

Attest:

Gina Anderson, Deputy-Clerk / Treasurer

Approved as to form:

Frank F. Randolph, City Attorney



SEPA DETERMINATION OF NON-SIGNIFICANCE

Retail Sales of Marijuana Code Change

| | |
|---|---|
| Land Use Application Nos.: | SEP 20-008 ZTA 20-002 |
| Applicant: | City of Woodland PO Box 9 Woodland Ground, WA 98674 |
| Property Owner: | Not applicable |
| Site Location: | Applies to all properties in the City zoned C-2 |
| Parcel: | Applies to all properties in the City zoned C-2 |
| Zoning Designation: | Highway Commercial (C-2) |
| Date Application Received: | July 30, 2020 |
| Notice of Application & Likely DNS issued: | July 31, 2020 |
| Publish: | August 5th, 2020, Battle Ground Reflector |
| Comment Due Date: | August 14 th , 2020 |

DESCRIPTION OF PROPOSAL

The City is considering a code change to the Woodland Municipal Code to allow for the retail sale of marijuana in the Highway Commercial (C-2) zoning.

LOCATION OF PROPOSED DEVELOPMENT

The code change would apply to all properties within the Highway Commercial (C-2) zone.

REVIEW AUTHORITY

Per WMC 19.08.030, SEPA review decisions are administrative decisions issued by staff.

ENVIRONMENTAL REVIEW

The City of Woodland has reviewed the proposed project for probable adverse environmental impacts and is issuing a determination of non-significance (DNS) for this project per WAC 197-11-340. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement is prepared. A copy of the threshold determination for the proposal may be obtained upon request.

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Comments must be submitted by 5 p.m. on August 14th, 2020 to:

City of Woodland
Community Development Department
c/o Travis Goddard
230 Davidson Ave., PO Box 9
Woodland, WA 98674

Email: goddardt@ci.woodland.or.wa
Phone: 360-225-7299
Fax: 360-225-7336

ENVIRONMENTAL DOCUMENTS

1. SEPA Checklist
2. Ordinance 1464

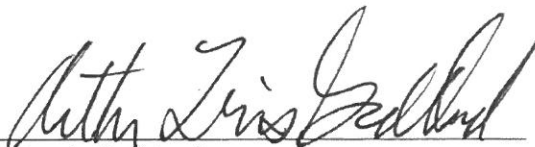
Application materials including the documents listed above can be reviewed at the Woodland City Hall Annex, 230 Davidson Ave., Woodland, WA 98674, or on the City's website at <http://www.ci.woodland.wa.us/announcements.php>

PUBLIC COMMENT PERIOD

Public comments on this DNS can be submitted to the responsible official. **Comments must be submitted no later than 5:00 PM on August 14, 2020.**

Date: July 31, 2020

Signature: _____



Travis Goddard

Community Development Director

Published in the Reflector: August 5, 2020

Cc: Applicant

Owner

Mayor

Rob VanderZanden, P.E.

Planning Commission

City Administrator

Building Official

Fire Marshal

City of Woodland Website

Counter Copy

Department Heads

File



Community Development Department
 Building | Planning | Code Enforcement
 P.O. Box 9, 230 Davidson Avenue
 (360) 225-7299, www.ci.woodland.wa.us

SEPA DISTRIBUTION LIST

Date: July 31, 2020
Lead Agency: City of Woodland
Project Title: Retail sales of marijuana code amendment
Land Use Application #: SEP 2020-008/ZTA 2020-002
Comment Deadline Date: August 14, 2020
Documents Available: SEPA Checklist and Draft Ordinance.
File Location: <http://www.ci.woodland.wa.us/announcements.php>

| State Agencies | | |
|----------------------|--|------------------------------|
| Bob Ziegler | Dept. of Fish & Wildlife | sepadesk@dfw.wa.gov |
| Logan Cullums | DOT Engineering Services | CullumL@wsdot.wa.gov |
| | Dept. of Archaeology & Historic Preservation | SEPA@dahp.wa.gov |
| Jessica Logan | Parks & Recreation Commission | Jessica.logan@parks.wa.gov |
| Danette Guy | US Army Corps of Engineers, Southwest | Danette.l.guy@usace.army.mil |
| GMS Review Team | Department of Commerce | reviewteam@commerce.wa.gov |
| SEPA Center | Department of Natural Resources | sepacenter@dnr.wa.gov |
| SEPA Unit | Department of Ecology, SEPA Coordinator | separegister@ecy.wa.gov |
| Rad Cunningham | Department of Health, Program Services | SEPA.reviewteam@doh.wa.gov |
| Tina Hallock | SW Clean Air Agency | tina@swcleanair.org |
| Local Agencies | | |
| Cowlitz Indian Tribe | Cowlitz Indian Tribe Permit Review | permitreview@cowlitz.org |

| | | |
|------------------|--|---|
| Gialita-Keys | Yakama Nation | Environmental PO Box 151 Toppenish, WA 98948. |
| Dean Boone | CDID2 | <u>Cdid2@cni.net</u> |
| Dave Burlingame | Cowlitz Indian Tribe | <u>culture@cowlitz.org</u> |
| Jennifer Kelly | Pacificorp | <u>Jennifer.kelly@pacificorp.com</u> |
| Bill Fashing | Cowlitz-Wahkiakum Council of Governments | <u>bfashing@cwco.org</u> |
| Ted Sprague | Cowlitz County EDC | <u>sprague@cowlitzedc.com</u> |
| Nicole Galloway | Woodland School District | <u>gallowan@woodlandschools.org</u> |
| Briana Weatherly | Pacificorp | <u>briana.weatherly@pacificorp.com</u> |
| Jennifer Keene | Port of Woodland | <u>jkeene@portofwoodland.com</u> |
| Mike Jackson | Clark County Fire & Rescue, District 2 | <u>Mike.jackson@clarkfr.org</u> |
| Jennifer Hauan | Woodland Public Library | <u>jhauan@fvrl.org</u> |
| <hr/> | | |
| Debby Johnson | Cowlitz County Health Department | <u>askcowlitzhealth@co.cowlitz.wa.us.</u> |
| Elaine Placido | Cowlitz Co. Building & Planning | <u>placido@co.cowlitz.wa.us</u> |
| Patrick Harbison | Cowlitz County Public Works, Stormwater | <u>harbisonp@co.cowlitz.wa.us</u> |
| Emily Wilcox | Cowlitz County Assessor | <u>assessor@co.cowlitz.wa.us</u> <u>WilcoxE@co.cowlitz.wa.us</u> |
| Brent Davis | Clark County Community Development | <u>Brent.Davis@clark.wa.gov</u> |

SEPA ENVIRONMENTAL CHECKLIST

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 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.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject 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

1. Name of proposed project, if applicable: City of Woodland – Retails sales of marijuana - Zoning Text Amendment for Case ZTA #20-002
2. Name of applicant: City of Woodland

3. Address and phone number of applicant and contact person: Travis Goddard, Community Development Director, 230 Davidson Avenue, PO Box 9, Woodland, WA 98674

4. Date checklist prepared: July 31, 2020

5. Agency requesting checklist: City of Woodland

6. Proposed timing or schedule (including phasing, if applicable): Council adoption August or September 2020

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
None expected.

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

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None

10. List any government approvals or permits that will be needed for your proposal, if known.
Department of Commerce reviews changes to development code.

11. Give brief, 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.)

The City of Woodland is considering a request to allow for the sale of marijuana as a permitted use in the Highway Commercial (C-2) zone.

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.

This code change could apply to all properties zone C-2 within the City.

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other N/A

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

Not applicable.

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.

Not applicable.

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

Not applicable.

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.

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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.

Not applicable.

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

Not applicable.

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

Not applicable.

3. Water

a. Surface Water:

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.

Not applicable.

- 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.

Not applicable.

- 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.

Not applicable.

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

Not applicable.

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

Not applicable.

- 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.

Not applicable.

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.

Not applicable.

- 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.

Not applicable.

c. Water runoff (including stormwater):

- 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.

Not applicable.

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

Not applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:
Not applicable.

4. **Plants**

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

Not applicable.

b. What kind and amount of vegetation will be removed or altered?
Not applicable.

c. List threatened and endangered species known to be on or near the site.
Not applicable.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
Not applicable.

e. List all noxious weeds and invasive species known to be on or near the site.
Not applicable.

5. **Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

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

Not applicable.

b. List any threatened and endangered species known to be on or near the site.
Not applicable.

c. Is the site part of a migration route? If so, explain.
Not applicable.

d. Proposed measures to preserve or enhance wildlife, if any:
Not applicable.

e. List any invasive animal species known to be on or near the site.
Not applicable.

6. Energy and Natural Resources

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

Not applicable.

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

Not applicable.

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:

Not applicable.

7. Environmental Health

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

Not applicable.

1) Describe any known or possible contamination at the site from present or past uses.

Not applicable.

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.

Not applicable.

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.

Not applicable.

4) Describe special emergency services that might be required.

Not applicable.

5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

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

Not applicable.

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.

Not applicable.

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

Not applicable.

8. Land and Shoreline Use

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.

Not applicable.

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?

Not applicable.

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:

Not applicable.

c. Describe any structures on the site.

Not applicable.

d. Will any structures be demolished? If so, what?

Not applicable.

e. What is the current zoning classification of the site?

Not applicable.

f. What is the current comprehensive plan designation of the site?

Not applicable.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable.

i. Approximately how many people would reside or work in the completed project?
Not applicable.

j. Approximately how many people would the completed project displace?
Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:
Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Not applicable.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
Not applicable.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
Not applicable.

c. Proposed measures to reduce or control housing impacts, if any:
Not applicable.

10. Aesthetics

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

b. What views in the immediate vicinity would be altered or obstructed?
Not applicable.

b. Proposed measures to reduce or control aesthetic impacts, if any:
Not applicable.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable.

b. Could light or glare from the finished project be a safety hazard or interfere with views?
Not applicable.

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

Not applicable.

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

Not applicable.

12. Recreation

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

Not applicable.

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

Not applicable.

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

Not applicable.

13. Historic and cultural preservation

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? If so, specifically describe.

Not applicable.

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.

Not applicable.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable.

d. 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.

Not applicable.

14. Transportation

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.

Not applicable.

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?

Not applicable.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable.

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).

Not applicable.

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

Not applicable.

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 nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable.

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.

Not applicable.

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

Not applicable.

15. Public Services

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.

Not applicable.

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

Not applicable.

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Not applicable.

c. 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.

Not applicable.

C. Signature

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

Signature: Travis Goddard

Name of signee: Travis Goddard

Position and Agency/Organization: City of Woodland Community Development Director

Date Submitted: July 31, 2020

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

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 likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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

The amendment of the zoning code to permit retail sales of marijuana will not effect the implimentatoin of the city's site plan, development standards, or critical area prdinances. So there will be no foreseeable impacts.

Proposed measures to avoid or reduce such increases are:

None.

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

The amendment of the zoning code to permit retails sales of marijuana will have no effect on plants, fish, or marine life.

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

None.

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

The amendment of the zoning code to permit retails sales of marijuana will have no effect on energy and natural resources within the city.

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

None are necessary.

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 amendment of the zoning code to permit retails sales of marijuana will have no effect on sensitive areas as described above.

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

None are necessary.

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 change will limit storage facility uses. It will not encourage land or shoreline uses incompatible with existing plans.

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

None are necessary.

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

Retail sales are already permitted in the City code and traffic impacts are mitigated through traffic impact fees. Utility rates will be charged according to our utility service rates adopted by the council. Public services (like police and fire) for the city are currently funded through tax dollars. Retail development pays property taxes and marijuana sales are assessed additional "sin-taxes" which will offset potential impacts to services.

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

None are necessary. Fire and traffic impact fees have already been collected for the building when it was developed.

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

There are no know conflicts that would result from the proposed code change given that the ordinance is consistent with .

ORDINANCE NO. 1464

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE PROVIDING FOR THE RETAIL SALE OF MARIJUANA

WHEREAS, in 2012 Washington State voters adopted Initiative 502 that established a State regulatory environment regarding the production, processing, and retail sales of recreational marijuana with said uses defined within RCW 69.50.101; and

WHEREAS, the Washington State Attorney General opined that Initiative 502 does not preempt local authority to ban or otherwise regulate marijuana-related land uses within their jurisdictions through land use or business requirements; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, the City Council scheduled a public hearing for August 17, 2020 to consider the proposed ordinance; and

WHEREAS, notice for the public hearing has been published in the newspaper of record and posted as required by code; and

WHEREAS, after hearing testimony, the City Council determined retail sales of marijuana is warranted to be added to the highway Commercial (C-2) zoning districts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. Repeal and Replace WMC 17.36.020

Old Section WMC 17.36.020 – The existing code section to be superseded and replaced reads as follows:

(25) Retail stores;

New Section WMC 17.36.020 – The code section is amended to read as follows:

(25) Retail stores including sales of marijuana pursuant to Chapter 17.50;

Section 2. Repeal and Replace WMC 17.36.040

Old Section WMC 17.36.040 – The existing code section to be superseded and replaced reads as follows:

(D) Marijuana retailer;

New Section WMC 17.36.040 – The code section is amended to read as follows:

(D) DELETED;

Section 3. Repeal and Replace WMC 17.50.040

Old Section WMC 17.50.040 – The existing code section to be superseded and replaced reads as follows:

(B) Recreational marijuana retail outlets and retail uses are prohibited in all zoning designations.

New Section WMC 17.50.040 – The code section is amended to read as follows:

(B) Recreational marijuana retail outlets and retail uses are prohibited in all zoning designations except the Highway Commercial (C-2) district where is it a permitted use.

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

Section 5: Effective Date. This ordinance shall become effective five (5) days after its summary publication in this media or paper of record as required by law.

ADOPTED this _____ day of August 2020.

CITY OF WOODLAND, WASHINGTON

Approved:

William A Finn, Mayor

Attest:

Mari E. Ripp, Clerk / Treasurer

Approved as to form:

Frank F. Randolph, City Attorney