

Initial Project Review

Conditional Use Permit: The Gallery at Lake Kathryn Village

Application Number: 1002700

Tax Parcel Number: 3000280021

Key Peninsula Advisory Commission (KPAC) Public Meeting: February 15, 2023, at 6:30 pm, at The Mustard Seed Project, 9016 154th Avenue Court NW, Lakebay, WA 98349

Examiner's Hearing: March 22, 2023, at 9:00 a.m., at the Pierce County Public Services Building (Annex), South Entrance, Public Meeting Room, 2401 South 35th Street, Tacoma, WA, 98409; or via Zoom at Meeting ID: 995 0461 2380, and Passcode: 601738, or by following this link: <https://piercecounitywa.zoom.us/j/99504612380?pwd=cGJUUU9KR2dXRHE0Tmg1YnhQazVxZz09>

Proposal: Applicant seeks approval of a Conditional Use Permit to allow a State-licensed recreational marijuana retailer to operate in an existing building.

Project Location: The site is in the Rural Activity Center (RAC) zone classification and Key Peninsula Community Plan area, located at 14122 92nd Avenue NW, Suite 102, Lakebay, WA, in the NE 1/4 of Section 22, T22N, R1E, W.M., in Council District #7.

Staff Recommendation: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. Staff recommends approval of the proposal.

State Environmental Policy Act (SEPA): This proposal does not require SEPA review.

County Contact: Michael Jimenez, Senior Planner, (253) 798-7181,
Michael.Jimenez@piercecounitywa.gov

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departamentStatus?applPermitId=1002700>



Project Data

Application Complete: December 8, 2022

Staff Report Sent: February 8, 2023

Owner/Applicant: Northwestern General LLC
Attn: Don Zimmerman
PO Box 268
Wauna, WA 98398
Jnewman4236@comcast.net

Agent: James Newman
4211 70th Avenue Court NW
Gig Harbor, WA 98335
Jnewman4236@comcast.net

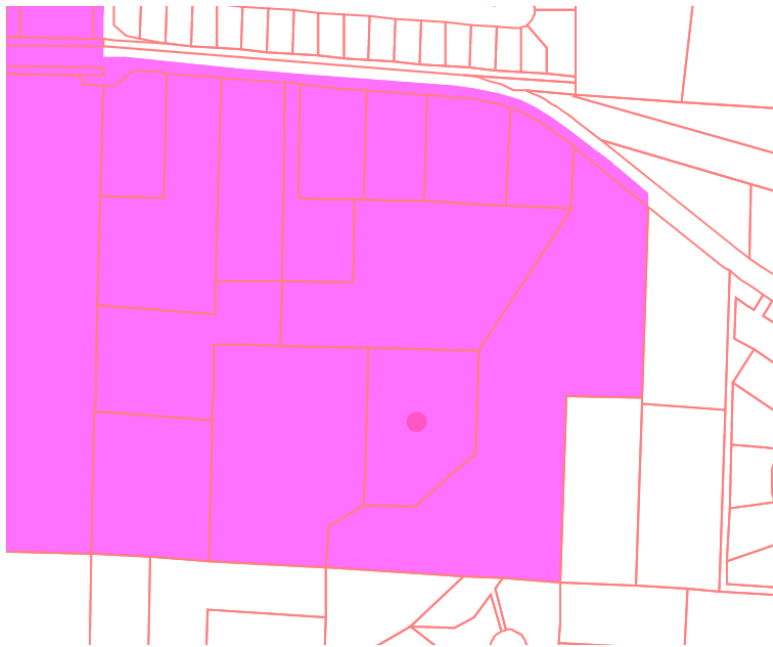
Public and Legal Notice:

- *December 21, 2022:* Notice of Application and Public Meeting Notice, including the Key Peninsula Advisory Commission (KPAC) public meeting and Examiner’s Hearing information, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *December 26, 2022:* Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *February 1, 2023:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the KPAC.

Surrounding Land Use/Zoning Classification:

LAND USE		ZONING
North	Commercial/Strip Mall	Rural Activity Center (RAC)
South	Commercial/Vacant	RAC
East	Commercial/Vacant	RAC
West	Commercial/Vacant	RAC

Zoning Map

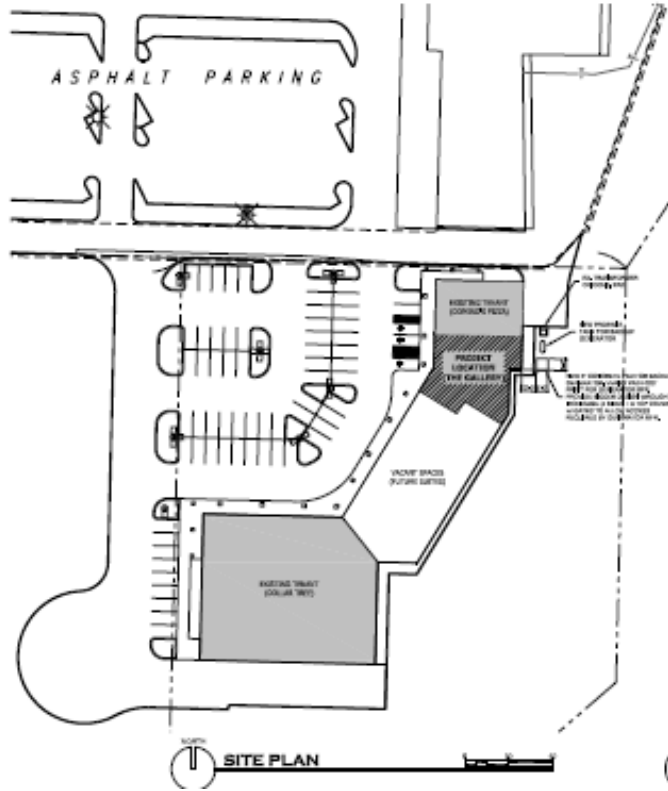


2021 Orthophoto



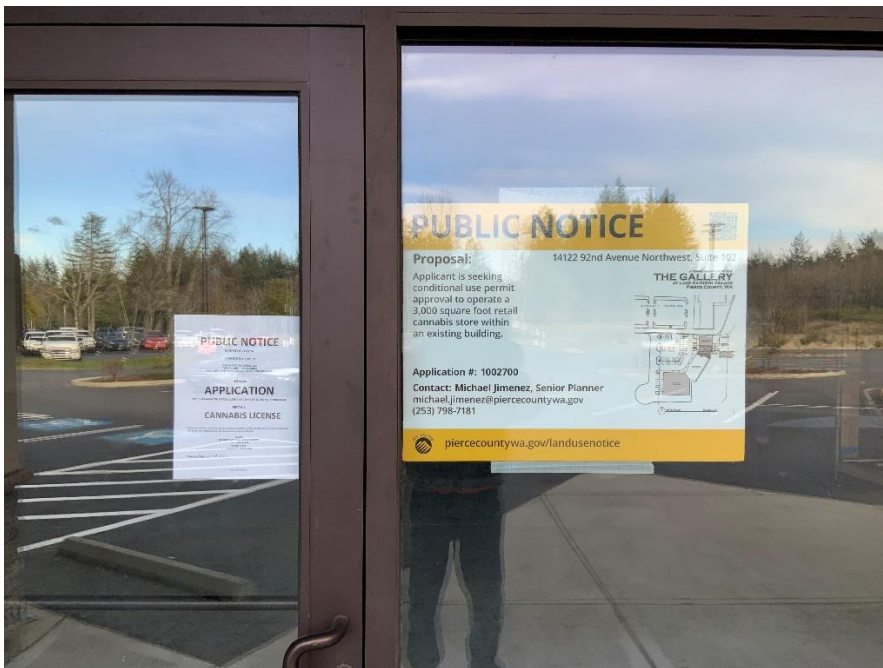
Proposed Site Plan/Tenant Improvement Location

A TENANT IMPROVEMENT FOR:
THE GALLERY
AT LAKE KATHRYN VILLAGE
PIERCE COUNTY, WA



Site Photos





Comments from Agencies and Public

- Comments received on this proposal may be found by accessing the online permit information referenced on page 1. The substance of these comments is reflected, where appropriate, in the Conditions which conclude this staff report.
- At the time this Staff Report was written, one comment was from an Attorney representing Sweet Jane LLC, indicating that a religious facility was located within 1,000 lineal feet to the newly proposed retail marijuana location.

Staff Review for Consistency with Applicable Land Use Policies and Regulations

Title 19A Pierce County Comprehensive Plan

Title 19A Appendix G: Key Peninsula Community Plan

Chapter 19A.30.020 Commercial Centers

LU-CC Objective 8. Encourage commercial, office, and multi-family development in centers.

C. Community Centers. Community Centers should be located and designed to meet shopping, service, and multi-family housing needs of the surrounding community.

7. Encourage retail trade; service; finance; insurance; real estate; and multi-family development within Community Centers.
8. Discourage detached single-family residential, two-family residential and auto-oriented commercial development.
9. Discourage industrial, manufacturing or commercial development which is land intensive and employs a low number of employees per acre.

Chapter 19A.50.030 Business Development – Economic Diversity.

ECD Objective 2. Pursue an active and aggressive recruitment program to induce a variety of commercial and industrial enterprises to settle in the County.

B. Support private sector forces which act to diversify the economy.

Staff Comment: The proposal is consistent with the Pierce County Comprehensive Plan, to include but not limited to, bringing new and diverse economic opportunities to Pierce County.

Title 18A Development Regulations – Zoning

Chapter 18A.12.020 Marijuana Related Uses: State Licensed Facilities

The following provisions apply to marijuana-related businesses licensed by the Washington State Liquor Control Board.

- A. Marijuana-licensed business shall be subject to all applicable standards of Pierce County Development Regulations.
- B. Marijuana-licensed business shall not be permitted within 1,000 feet of the perimeter grounds of the following entities:
 1. Elementary or secondary schools;
 2. Playground;
 3. Recreation center or facility;
 4. Child-care center;
 5. Public Park;
 6. Public transit center;
 7. Library;
 8. Game arcade (where admission is not restricted to persons age 21 or older);
 9. Any parcel containing a marijuana retail outlet licensed by the Washington State Liquor Control Board; or
 10. Religious assembly; or
 11. Scenic and recreational highways as designated at RCW [47.39.020](#).

Staff Comment: An issue has been raised with the location of a religious assembly being within 1,000 lineal feet (as measured from property line to property line). Given the fact, the property is owned by a religious organization and has not applied for a building permit, the County does not recognize a vested use of the property for a religious assembly.

Staff has found they have a State issued retail marijuana license and the location is outside the 1,000-foot radius from the protected entities listed above. Therefore, the above provisions have been met

C. Outdoor Advertising.

1. One sign, not exceeding 1,600 square inches (11.1 square feet) that is visible to the general public from a public right-of-way shall be permitted for exterior advertising purposes. Such sign shall be subject to the standards of the Washington State Liquor Control Board and Title 18B PCC.
2. Minors restricted signs" shall be posted at all marijuana-licensed premises.

Staff Comment: No sign permit has been submitted but will be required to meet this regulation. The same holds true for the Minors restricted signs.

D. Marijuana-Licensed Retail Outlets.

1. Marijuana-licensed retail outlets shall be permitted through a Conditional Use Permit in Mixed Use District (MUD) and Urban Corridor (UCOR) zone classifications as well as the Rural Activity Center (RAC) classifications in the Key Peninsula and Gig Harbor Peninsula Community plan areas
2. A marijuana retailer licensee may sell usable marijuana, marijuana-infused products, and marijuana paraphernalia between the hours of 8 a.m. and 12 a.m.

Staff Comment: The proposal is within the Rural Activity Center zone and will be required to meet the business operation hours.

Parking (18A.35.040)

Staff Comment: The parking required for the shopping center is adequate and no additional parking above that is required.

Chapter 18A.75.030 Conditional Use Permit

This section establishes decision criteria and procedures for uses, which possess unique characteristics. Uses are deemed unique due to facts such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

The following criteria must be met:

1. **Required Findings.** The Examiner may use Design Standards and other elements in this Code to modify the proposal. A Conditional Use Permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed Conditional Use Permit will not:
 - (1) be detrimental to the public health, safety, and general welfare;
 - (2) adversely affect the established character and planned character of the surrounding vicinity; nor
 - (3) be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
 - b. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the County's Comprehensive Plan, appropriate Community Plan (provided that, in the event of conflict with the Comprehensive Plan, the Comprehensive Plan prevails), and any implementing regulation.
 - c. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
 - d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
 - e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
 - f. That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements.

Staff Comment: Staff has found the proposed retail marijuana use complies with all required findings of fact for approval of a Conditional Use Permit. The business is also found to be consistent with County and Community Plan policies.

The provisions and licensing requirements of the Pierce County Code, Revised Codes of the State of Washington, and the Washington Administrative Code provide the necessary conditions to ensure the activity will not introduce hazardous conditions to the site or the community, or adversely affect the character of the surrounding vicinity.

Key Peninsula Community Plan Area Design Standards and Guidelines

Chapter 18J.90:

18J.90.060 - Site Design

18J.90.070 - Building Design

Staff Comment: The proposed use will be a tenant improvement within an existing shopping center. All design standards have previously been met.

Questions from Staff for the Key Peninsula Advisory Commission (KPAC):

1. Does the KPAC believe that the standards are being met within Title 18A?
2. Does the KPAC believe that the applicant is meeting the Conditional Use Permit Standards?
3. Does the KPAC believe that the applicant is meeting the Key Peninsula Community Plan Standards?

The Gallery at Lake Kathryn Village CP IPR KPAC-MJ.docx