

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on Medical Marijuana Collective Gardens Code Amendments
DEPARTMENT: Planning & Community Development Department
PRESENTED BY: Paul Cohen, Senior Planner

INTRODUCTION

The Planning Commission held a study session on November 3, 2011 to discuss proposed code amendments for medical marijuana collective gardens. Based on that session staff has made a few proposed changes to the proposed code amendments (Attachment B). This December 1, 2011 meeting is to hold a public hearing, deliberate, and make final recommendations to the City Council.

BACKGROUND

In July 2011 State Bill 5073 was passed which allowed medical marijuana collective gardens (MMCG) to become a legal activity. A collective garden has prescribed patient/members that can only grow medical marijuana for their use. In response, Shoreline City Council adopted a moratorium on July 18, 2011 regarding MMCGs (Ord. No. 611) that do not meet interim regulations. These interim regulations are consistent with State Bill 5073. The 6-month moratorium is for the City to regulate and study MMCG before adopting permanent regulations. On September 12, 2011 the City Council amended the interim regulations in Ordinance No. 614.

The Commission was directed by the City Council to review the interim regulations and related land use issues and to recommend amendments to the Development Code. Issues outside the Development Code such as crime, licensing, revenue, etc. will be considered by the Council when they adopt the amendment. The Council expects to adopt Development Code regulations by mid-January 2012.

PROPOSAL & ANALYSIS

The Commissioners raised several questions at the November 3 study session. Staff responses are below:

1. The current Development Code requires commercial development to have 50% of their first floor façade in transparent windows. The proposed MMCG code requires that production, processing, or delivery cannot be visible to the public. These two requirements are not necessarily conflicting. A MMCG could have transparent windows into a lobby but have the remainder of the operation separate and not visible to the public. If the Commission concludes that more

Approved By:

Project Manager *PLC*

Planning Director _____

clarity would result in less cost to the applicant or a better product, it could recommend an amendment to the mixed use - commercial design standards in section 20.50.280.B that exempt MMCGs from this requirement.

2. On November 3 there was significant discussion regarding the 1,000 foot separation requirement between MMCGs (Attachment C). There was concern that this requirement would result in an outcome where many operations, in order to separate would locate at the edge of commercial zones and adjacent to residential zones because commercial areas are narrow. In addition there was concern that dispersing these uses through the separation requirement would make monitoring or enforcing the code more difficult. However, based on police testimony staff believes that the potential concentration of MMCGs could result in a bigger draw for criminal activity.

There was discussion regarding establishing a cap on the number of MMCGs city-wide instead of a separation requirement. There are benefits and disadvantages to the different approaches. As reflected in the attached proposed Development Code amendment, staff recommends that the City adopt the requirement for a Safety License under 20.40.244.D.8. This will allow the City to monitor the operation and location of MMCGs. If MMCGs proliferate to a point where the community cannot tolerate more gardens then the City can consider amending the Development Code to establish a cap to the number of operations or the number of patient-members.

3. The November 3, 2011 proposed Development Code was not explicit under 20.40.445.D.1 if a patient can hire a provider, who is not a patient, to grow for them. The intent of the state legislation is to allow a patient to hire a provider. In that regard, Staff recommends amending the Development Code to be less ambiguous.

SEPA Review

The SEPA checklist and notice have been publicized (Attachment D) with the intent to make a determination of non-significance. To date, no comments regarding the SEPA checklist have been received. Staff anticipates issuance of a SEPA determination of non-significance by the December 1, 2011 public hearing.

Development Code Amendment Criteria

SMC 20.30.350 establishes the following criteria for approval of a Development Code amendment:

1. *The amendment is in accordance with the Comprehensive Plan;*
 - Framework Goal 3: Support the provision of human services to meet community needs.
 - Framework Goal 10: Respect neighborhood character and engage the community in decisions that affect them.
 - There are no policies that specifically address or discourage pharmacies, clinics or, MMCG's as a land use.

2. *The amendment will not adversely affect the public health, safety or general welfare;*
 - The amendment is intended to improve public health by providing collective gardens for patients to raise prescribed medical marijuana.
3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The provisions of the amendment are not contrary to the best interest of the citizens and property owners by:

- Enacting State Bill 5073.
- Ensuring adequate separation between collective gardens and between collective gardens and school property.
- Requiring adequate regulation to ensure the community of the potential size and location of the gardens.
- Requiring registration through a safety license to monitor these businesses

Recommendation

Staff recommends that the Commission hold and close the public hearing, deliberate, and make recommendations to amend the Development Code (Attachment F) as drafted by staff.

TIMING AND NEXT STEPS

July 2011 – State Bill 5073 passed allowing MMCGs.
July 18, 2011 – Shoreline City Council adopted a 6 month moratorium – Ord. No 611.
September 12, 2011 – Shoreline City Council adopted Ord. No. 614.
October 17, 2011- Notice of SEPA and Public Hearing date.
November 3, 2011 – Commission Study Session.
November 8, 2011 - Re-notice of SEPA and new Public Hearing date (Attachment E).
December 1, 2011 – Commission Public Hearing, Deliberation, and Recommendation

Staff is scheduled to return to the City Council with the Commission's recommendation on December 12, 2011 and again January 9, 2012 for adoption. The 6-month moratorium ends mid-January 2012.

ATTACHMENTS

- A. List of Exhibits
- B. Proposed Amendments to the Development Code
- C. Medical Marijuana Collective Garden Locator Map
- D. SEPA Checklist
- E. Re-Notice of Public Hearing
- F. Draft Commission Recommendations

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PUBLIC HEARING RECORD
Medical Marijuana Collective Gardens
December 1, 2011 | List of Exhibits

- Exhibit 1** December 1, 2011 Staff Report “Public Hearing on Medical Marijuana Collective Gardens Code Amendments”
- Exhibit 2** Proposed Amendments to the Development Code
- Exhibit 3** Medical Marijuana Collective Garden Locator Map
- Exhibit 4** SEPA Checklist
- Exhibit 5** Re-Notice of December 1, 2011 Public Hearing
- Exhibit 6** Draft Planning Commission Recommendation Transmittal Letter

The Hearing Record also includes any oral testimony given at the public hearing.

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Proposed Development Code Amendments for Medical Marijuana Collective Gardens

Chapter 20.20 - Definitions.

20.20.034 M definitions.

Medical Marijuana Collective Garden – Qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

Useable Cannabis – Dried flowers of the Cannabis plant having a THC concentration greater than three-tenths of one percent without stems, stalks, leaves, seeds, and roots containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4- R6	R8-R12	R18- R48	NB & O	CB & NCBD	MUZ & I
RETAIL/SERVICE TYPE							
	<u>Medical Marijuana Collective Gardens</u>				<u>P-i</u>	<u>P-i</u>	<u>P-i</u>

P = Permitted Use S = Special Use
 C = Conditional Use i = Indexed Supplemental Criteria

20.40.445 Medical Marijuana Collective Gardens.

- A. There shall be no more than one collective garden permitted on a tax parcel.
- B. A collective garden or facility for delivery of cannabis produced by the garden may not be located within 1,000 feet of schools and not within 1,000 feet of any other collective garden or delivery site measured in a straight line from the closest school property line to the nearest building entry to a collective garden.
- C. Any transportation or delivery of cannabis from a collective garden shall be conducted by the garden members or designated provider so that quantities of medical cannabis allowed by E2SSB 5073 §403 are never exceeded.

D. Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:

(1) No more than ten qualifying patients, **and their providers**, may participate in a single collective garden at any time;

(2) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

(3) A collective garden may contain no more than twenty-four ounces of useable cannabis per patient up to a total of seventy-two ounces of useable cannabis;

(4) A copy of each qualifying patient's valid documentation or proof of registration with the registry established in section 901 of this act, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and

(5) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden.

(6) No production, processing or delivery of cannabis shall be visible to the public from outside of the building or structure.






(7) No odors shall be allowed to migrate beyond the interior portion of the building or structure where the garden is located.

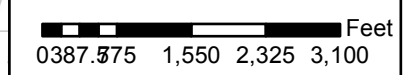
(8) To establish a legal, collective garden a Safety License must be obtained from the City of Shoreline.

ATTACHMENT C

**Potential
Collective
Garden Sites**

**Collective
Garden
&
1000 Foot
Buffers
From
School
Perimeter**

-  1000' from Collective Garden 4 Sites
-  1000' from Potential Site 19 Sites
-  1000' from School
-  Collective Garden
-  Potential Site

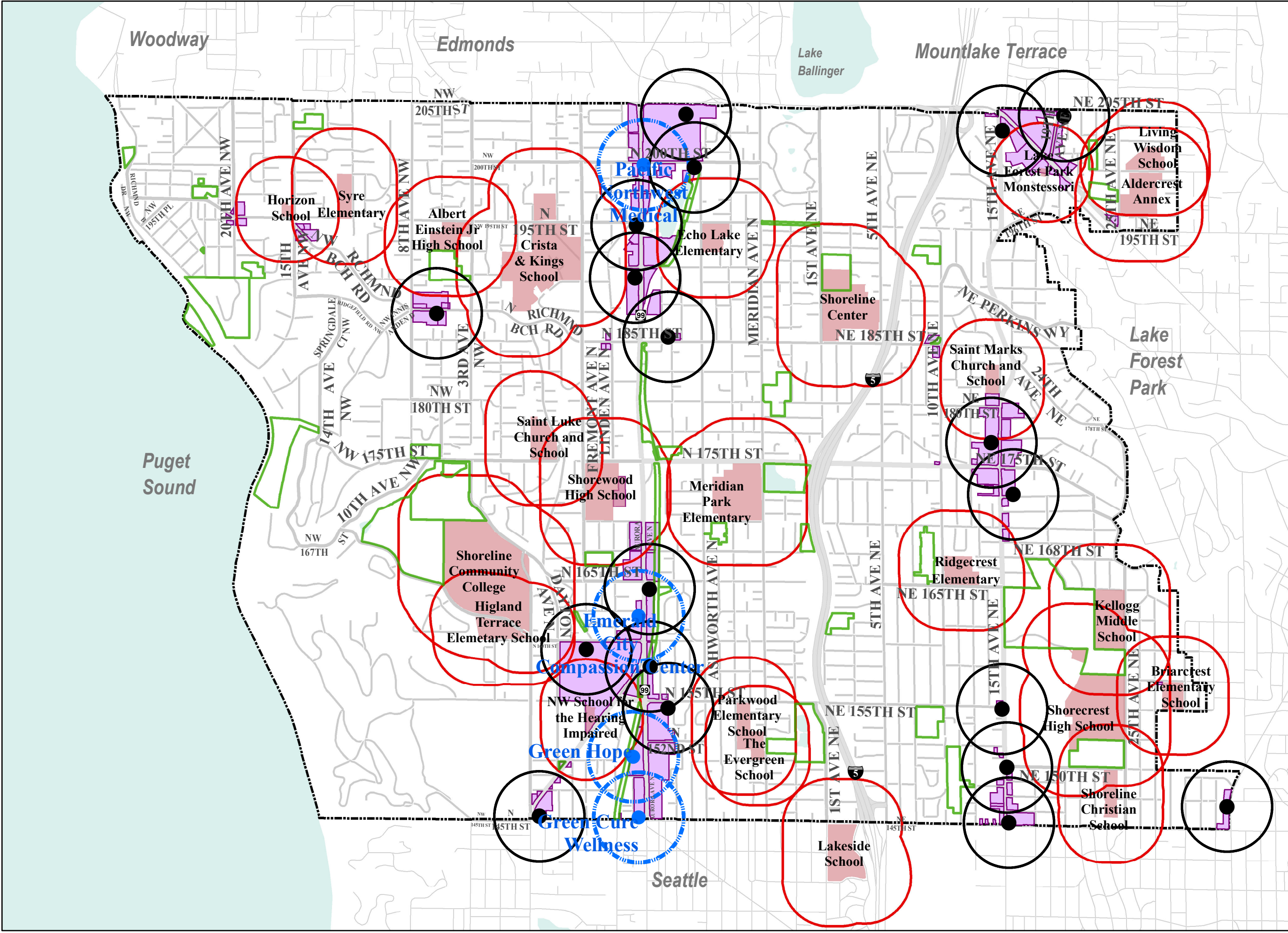


No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.



Date: 8/3/2011

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Planning & Community Development

STATE ENVIRONMENTAL POLICY ACT
(SEPA)
ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

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

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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.

Public notice is required for all projects reviewed under SEPA. Please submit current Assessor's Maps/Mailing Labels showing:

- Subject property outlined in red.
- Adjoining properties under the same ownership outlined in yellow.
- All properties within 500' of the subject property, with mailing labels for each owner.

NOTE: King County no longer provides mailing label services. Planning and Development Services can provide this for a fee or provide you instructions on how to obtain this information and create a mail merge document to produce two sets of mailing labels for your application.

Use of Checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

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

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**TO BE COMPLETED
BY APPLICANT****EVALUATION FOR
AGENCY USE ONLY****A. BACKGROUND**

1. Name of proposed project, if applicable:
Medical Marijuana Collective Gardens Development Code Amendments
2. Name of applicant:
City of Shoreline, Paul Cohen - Project Manager
3. Address and phone number of applicant and contact person:
17500 Midvale Ave N
206 801 2551
4. Date checklist prepared:
September 30, 2011
5. Agency requesting checklist:
Planning and Community Development
6. Proposed timing or schedule (including phasing, if applicable):
Planning Commission study, public hearing, and recommendations November 3 and 17, 2011. City Council adoption by January 18, 2012.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
NA
8. List any environmental information you know about that has been prepared or will be prepared, directly related to this proposal.
NA

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17500 Midvale Avenue North, Shoreline, Washington 98133-4905Telephone (206) 801-2500 Fax (206) 801-2788 pcd@shorelinewa.govThe Development Code (Title 20) is located at mrsc.org

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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.
NA

10. List any government approvals or permits that will be needed for your proposal, if known.
State Dept. of Commerce 60-day review notice and adoption notice.

11. Give a 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).
Amendments to the Development Code permitting medical marijuana collective gardens within parameters.

(See attached proposed amendment.)

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-wide in MUZ, NB, O, CB, I, zones. Medical Marijuana Collective Gardens need 1,000 foot separate between other gardens and schools. Based on these parameters there is a unlikely potential of 18 collective gardens in addition to the 3 currently located in Shoreline (see attached map).

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AGENCY USE ONLY**B. ENVIRONMENTAL ELEMENTS****1. Earth:**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: NA
- b. What is the steepest slope on the site (approximate percent of slope).
NA
- 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 prime farmland.
NA
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so describe.
NA
- e. Describe the purpose, type and approximate quantities of any filling or grading proposed. Indicate source of fill.
NA
- f. Could erosion occur as a result of clearing construction or use? If so generally describe.
NA
- g. About what percent of the site will be covered with hardscape after project construction (for example asphalt or buildings)?
NA
- h. Proposed measures to reduce or control erosion , or other impacts to the earth, if any:
NA

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

NA

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

NA

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

NA**3. Water:****a. Surface:**

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

NA

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

NA

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.

NA

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

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

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.
NA

- b. Ground:**
 1. Will ground water be withdrawn or will water be discharged to ground water? Give general description, purpose and approximate quantities if known.
NA

 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.
NA

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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.

NA

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

NA

3. Proposed measures to reduce or control surface ground and runoff water impacts, if any:

NA**4. Plants:**

- a. Check or circle types of vegetation found on the site:

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

- b. What kind and amount of vegetation will be removed or altered?

NA

- c. List threatened or endangered species known to be on or near the site.

NA

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- d. Proposed landscaping use of native plants or other measures to preserve or enhance vegetation on the site if any:

NA**5. Animals:**

- a. Mark all boxes of any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:Mammals: deer, bear, elk, beaver, other:Fish: bass, salmon, trout, herring, shellfish, other: _____

- b. List any threatened or endangered species known to be on or near the site.

NA

- c. Is the site part of a migration route? If so explain.

NA

- d. Proposed measures to preserve or enhance wildlife if any:

NA**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

NA

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

NA

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- 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:

NA**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 a result of this proposal? If so describe.

NA

1. Describe special emergency services that might be required.

NA

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

NA**b. Noise:**

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

NA

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.

NA

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

NA

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- a. What is the current use of the site and adjacent properties?
NA
- b. Has the site been used for agriculture? If so, describe
NA
- c. Describe any structures on the site.
NA
- d. Will any structures be demolished? If so, what?
NA
- e. What is the current zoning classification of the site?
NA
- f. What is the current comprehensive plan designation of the site?
NA
- g. If applicable, what is the current shoreline master program designation of the site?
NA
- h. Has any part of the site been classified as an “environmentally sensitive” area? If so, please specify.
NA
- i. Approximately how many people would reside or work in the completed project?
NA
- j. Approximately how many people would the completed project displace?
NA

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- k. Proposed measures to avoid or reduce displacement impacts, if any:
NA
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
NA
9. **Housing:**
- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.
NA
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing.
NA
- c. Proposed measures to reduce or control housing impacts if any:
NA
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?
NA
- b. What views in the immediate vicinity would be altered or obstructed?
NA

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

NA

11. Light and Glare:

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

NA

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

NA

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

NA

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

NA

12. Recreation:

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

NA

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

NA

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

NA**13. Historic and Cultural Preservation:**

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

NA

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

NA

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

NA**14. Transportation:**

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

15. Public Services:

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

NA

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

NA

16. Utilities:

- a. Mark all boxes of utilities currently available at the site:

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

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- 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 that might be needed.
NA

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: 

Printed Name: Paul Cohen

Address 17500 Midvale Ave N

Telephone Number: (206)801 2551 Date Submitted 9/30/11

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SEPA Rules

TO BE COMPLETED
BY APPLICANTEVALUATION FOR
AGENCY USE ONLY**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(DO NOT 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 of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water/emissions to air/production, storage, or release of toxic or hazardous substances; or production of noise?
Growing marijuana emits plant aromas considered pungent and distinctive.

Proposed measures to avoid or reduce such increases are:
No measures to reduce smells are proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
Very unlikely because marijuana gardens would have the same controls to avoid offsite impacts as a plant nursery.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
No measures are proposed beyond the city's existing measures to protect and conserve plant, animal, fish, and marine life.

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3. How would the proposal be likely to deplete energy or natural resources?
Marijuana gardens will likely require indoor grow lights, fertilizers, soil, and water. The addition of marijuana plants will increase oxygen production unless replacing existing plants.

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

None

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?
Unlikely to affect sensitive areas, etc. because marijuana gardens will only be allowed in commercial zones and existing environmentally critical area regulations will apply.

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

None

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 proposal would not likely affect land and shoreline use or be encourage incompatible uses.

8/2011

Part Eleven - 197-11-960

SEPA Rules

**TO BE COMPLETED
BY APPLICANT****EVALUATION FOR
AGENCY USE ONLY**

Proposed measures to avoid or reduce shoreline and land use impacts are:
None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
None above other uses that could locate there.

Proposed measures to reduce or respond to such demands(s) are:
None are proposed.

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 land use by itself would not conflict with local, state, and federal environmental laws.

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ReNOTICE - The City of Shoreline Notice of Public Hearing of the Planning Commission including SEPA DNS Process

Amend the Development Code to Allow Medical Marijuana Collective Gardens in Compliance with State Bill 5073.

The City of Shoreline has determined that the proposal will not have probable significant adverse impacts on the environment and expects to issue a SEPA Determination of Non-significance (DNS). The DNS process described in WAC 197-11-355 is being used. The City will not act on this proposal for at least 14 days from the date of issuance. This decision was made after review of the environmental checklist and other information on file with the City. The information is available to the public upon request at no charge.

This may be your only opportunity to submit written comments, including comments on the environmental impacts of the proposal. Written comments must be received at the address listed below before **5:00 p.m. November 23, 2011**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Paul Cohen - Senior Planner, 17500 Midvale Avenue North, Shoreline, WA 98133 or emailed to pcohen@shorelinewa.gov. Upon request, a copy of the SEPA checklist for this proposal may be obtained.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The **public hearing is scheduled for December 1, 2011 at 7 PM** in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the SEPA checklist and the proposed code amendments are available for review at the City Hall, 17500 Midvale Avenue North in the Planning and Community Development Department. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

Questions or More Information: Please contact Paul Cohen, Planning & Community Development at (206) 801-2551.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

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