



City of Kalama

Incorporated 1890



**City Council
Staff Report and Recommendation
Amendments to City Zoning Map & Comprehensive Plan
Meeting Date: November 18, 2015**

Applicants: Robert Laymon (Property Owner)
Frank Giese, All Natural Products, LLC (Developer)
Scott Mosshart, All Natural Products, LLC (Developer)

Staff Contact: Matt Buchanan, City Planner

Project Vicinity: 6700 Old Pacific Highway S.

Parcel ID#: 411490100 (southern and western areas)

Site Area: 10 +/- acres

Current Zoning: C-2: Highway Commercial (KMC 17.26)

Proposed Zoning: I-1: Industrial (KMC 17.28)

Current Future Land-use Designation: Commercial (Page 3-13)

Proposed Future Land-use Designation: Industrial

Adjacent Zones: North: Highway Commercial (C-2)
East: County—not zoned (single-family residential)
South: Highway Commercial (C-2)
West: N/A: Interstate-5 ROW

Current Land-use: Undeveloped

City Council Action Required: Yes

Possible Actions:

1. **Approve** the proposed rezoning/comprehensive plan amendment
2. **Deny** the proposed rezoning/comprehensive plan amendment
3. **Continue** to a future date to obtain additional information or to consider information presented. The next available meeting date is **December 2, 2015** at 7:00 p.m.

Planning Commission Recommendation: At their October 29th meeting, the Planning Commission voted unanimously to recommend approval of the proposed rezoning and comprehensive plan amendment.

Staff Recommendation: Approve the proposed rezoning/comprehensive plan amendment.

OVERVIEW

Property owner Robert Laymon, and developers Frank Giese and Scott Mosshart request that approximately 10 acres, located on southern and western portions of Parcel #411490100, be rezoned from C-2 to I-1. This request would amend Kalama Municipal Code (KMC) 17.16.020 - Zoning map, KMC 17.16.100 - I-1 district—Boundaries and KMC 17.16.090 - Commercial districts—Boundaries. Exhibit A provides a map of the subject area, which is located in the vicinity of 6700 Old Pacific Highway South. The applicants request the rezoning in order to develop a marijuana growing and processing operation, which is only allowed in the I-1 zoning district.

The future land-use map (Exhibit B), adopted in City's comprehensive plan in 2005, designates the subject parcel as Commercial. Therefore, a comprehensive plan amendment has also been requested, which would modify the future land-use designation for the subject area to Industrial. If the proposal is approved by the Kalama City Council, the applicants plan to submit additional applications for the business, which will undergo a separate development review process. It is important to note that this is not part of the current proposal.

BACKGROUND

In March 2015, the Planning Commission first heard the applicant's proposal. Several modifications have been made to the proposal based on the concerns raised at the March meeting. A primary concern expressed by staff was incompatibility with adjacent zoning districts. The initial rezoning proposal (C-2 to I-1) included approximately 59 acres, covering all of Parcel #411490100 (northern lot), as well as Parcel #411540100 (southern lot). Staff expressed concerns regarding the suitability of this site for industrial uses. The subject property borders a multi-family residential (R-3) zone to the north. Industrial uses should not be located next to residential uses, according to multiple goals and policies of the City's comprehensive plan (Land-use General Goal 6, Land-use General Policy 3, Commercial/Industrial Development Policy 13).

A second concern was the invalidation of the Sexually Oriented Business (SOB) Overlay District, which is located on the southern parcel (#411540100). The SOB overlay ensures the City's compliance with federal and state constitutional guarantees pertaining to freedom of expression. Changing the zoning of the southern parcel from C-2 to I-1 would invalidate the SOB overlay.

The third issue with the proposal raised by staff was transportation access issues and traffic impacts. Industrial uses have the potential to generate heavy truck traffic, especially on large parcels such as the ones being proposed in this rezone. The site currently has very limited access, via a private dirt road which crosses several properties and originates from River Ridge Lane, north of the Rebel Truck Stop Shell Station. The road is not constructed to the City of Kalama's Public Works Standards, and in the staff's opinion, it cannot reasonably accommodate industrial traffic demands. The applicants have three easements allowing for ingress, egress, and utilities to the property; however, access easements are not recognized by the City of Kalama. These easements will need to be vacated for Public Right of Way before development permits will be issued.

Due to these concerns, staff recommended that the Planning Commission continue the hearing in order for the applicant to revise the proposal and address the issues discussed during the meeting. The Planning Commission agreed with the recommendation and unanimously voted to continue the application and public hearing to a future meeting date.

REVISED PROPOSAL

Since the March meeting, the applicants have worked with City staff to modify the proposal in order to resolve the issues listed in the above section. In order to address the primary concern (incompatibility with adjacent residential land-uses), the applicants have significantly reduced the proposed industrial zone from 59+/- acres to 10+/- acres. The applicant has recorded a new lot (parcel # not yet established), where the proposed I-1 district will be entirely contained. The lot is located on the southern and primarily western areas that were previously part of the northern lot (#411490100). The remaining areas included in the original proposal have been removed and will remain C-2. This modification also ensures the SOB overlay will remain valid and keep the City in compliance with state and federal constitutional guarantees.

The applicant has worked to address transportation concerns by providing verification of three easements for ingress/egress and utilities. The City doesn't recognize access easements, so the applicants will have to work with property owners to vacate this land to the City in the future, before development permits can be issued. Traffic impacts are largely addressed during the development review stage, not as part of zoning decisions. An array of uses are allowed in either the I-1 or C-2 zones, which have varying levels of transportation demands. If the rezoning is approved, the applicant will address specific transportation issues with future development applications, and mitigation measures will be applied at that appropriate time.

Findings

1. Property Description, Utilities, and, Access

The property (6700 Old Pacific Highway South) is located approximately 0.6 miles northwest of Old Pacific Highway at River Ridge Lane. The site is undeveloped, heavily wooded and exhibits both flat and steep areas of terrain. The property is not currently served by utilities, but is located within the City of Kalama's water and sewer service areas. The property is not accessible to a public roadway without crossing through another property owner's property. Three easements are currently in place for ingress/egress and utilities. These easements will need to be transferred to public Right of Way before any development. It is not necessary for this process to be complete at the rezoning stage. A property map (Exhibit A) is attached.

2. Highway Commercial (C-2) Zoning Policies

KMC 17.26.020-B specifies that the C-2 zoning district "provides for commercial activities which are dependent upon or require access by automobiles and trucks, require outdoor storage or display areas as well as off-street parking and loading areas and are not compatible with basic retail and professional business activities." Design standards for the C-2 district are addressed in KMC 17.26.100-B.

3. Industrial (I-1) Zoning Policies

KMC 17.28.010 specifies that "the I-1 district provides for manufacturing, warehousing, distribution operations, and recreational opportunities and limited commercial activity." A thorough list of permitted uses is detailed in KMC 17.28.020.

4. Marijuana Policies

KMC 17.29.050 specifies that marijuana production and processing are allowed uses within the I-1, Industrial Use Zoning District. Marijuana retail outlets or retail uses are prohibited in the I-1 Zone according to KMC 17.28.040; however, they are permitted in the SOB overlay zone, located immediately south of the subject area.

5. Comprehensive Plan Conformance

The comprehensive plan’s future land-use map (Exhibit B) designates the subject property as “Commercial,” therefore, the proposed rezone from C-2 to I-1 conflicts with the current plan. Thus, the applicant proposes to amend the future land-use map, changing the designation of the subject area to Industrial. The applicant contends that this amendment is justifiable based on several of the plan’s goals/policies:

- a) *Actively plan and guide anticipated growth by seeking full utilization of existing land (2-12).*
- b) *Help to ensure sufficient land base to serve the various needs of the community (3-1).*
- c) *Maintain a sufficient balance of land for various purposes and continually evaluate growth estimates and population figures to ensure that no shortages exist (3-1).*
- d) *Achieve a well-balanced, diversified economy to encourage a stable rate of economic growth and community prosperity (7-1).*

Staff finds the following conflicts with the comprehensive plan goals/policies have been reasonably addressed by the applicant since the March Planning Commission meeting:

- a) *Minimize land-use conflicts by providing transitions between land-uses deemed incompatible (3-1).*
- b) *Separate or buffer incompatible land-uses and seek to establish transitions through the zoning code (3-2).*
- c) *Areas adjacent to industrial land (developed or slated for development) shall not be classified low-density residential unless separation is provided by roads, easements, vegetation, screening, or other effective means (7-4).*

6. Critical Areas

Areas of the property likely exceed 15 percent slope. A Critical Areas Permit for Geologic Hazard Areas would likely be required for development on the property. No other issues have yet been identified regarding critical areas. An official Critical Area Determination will be required if a Master Permit Application is submitted for proposed development.

6. State Environmental Policy Act

A SEPA checklist has been completed (Exhibit C), and the City has issued a determination of non-significance for this rezoning and comprehensive plan amendment proposal. A 14-day public comment period was issued and any comments will be presented during the public hearing. If the proposal is approved by the Kalama City Council, the applicants plan to submit additional applications for the construction of the marijuana growing/processing operation which will undergo a separate SEPA and development review process.

Analysis

The individual findings listed above demonstrate that the applicants have worked to revise their proposal so that it complies with both the Kalama Municipal Code and the comprehensive plan. The comprehensive plan observes that “there is little to no additional feasible room or location for industrial enterprises” (3-11). A more recent land-use analysis conducted by staff in 2015 finds that 88 percent (66.8 acres) of the C-2 zoned land in Kalama is currently vacant, while currently

there is no vacant industrial land. This finding justifies an amendment to the comprehensive plan, creating more opportunities for industrial development in areas that are appropriate.

The staff believes the subject area is an appropriate location for industrial uses. The adjacent C-2 zoning districts to the north and south are compatible with the I-1 District, provided that any future development is reasonably buffered to establish a transition between zones. Property to the east of the subject area is located outside city limits, undeveloped, and not zoned. Interstate 5 right of way is located west of the subject area. No significant environmental concerns have been identified that would compel staff to recommend denial of the proposal. Any future development of the site will undergo a separate environmental review process.

In order for any industrial or commercial development to occur, transportation access must be established through public right of way improvements, and the necessary utilities must be installed. These improvements are not necessary for approval of a rezoning; however, they must be addressed before any development permits are issued. This will entail a thorough development review process, involving the City Engineer, the Fire District, City Building Inspector, Public Works Supervisor, as well as others.

STAFF & PLANNING COMMISSION RECOMMENDATIONS

Based on the above findings and analysis, the staff recommends approval the proposed rezoning and comprehensive plan amendment. At their October 29th meeting, Planning Commission voted unanimously to recommend approval of the proposed rezoning and comprehensive plan amendment.

List of Exhibits

- A) Property map
- B) Comprehensive plan future land-use map
- C) SEPA environmental checklist and determination of non-significance