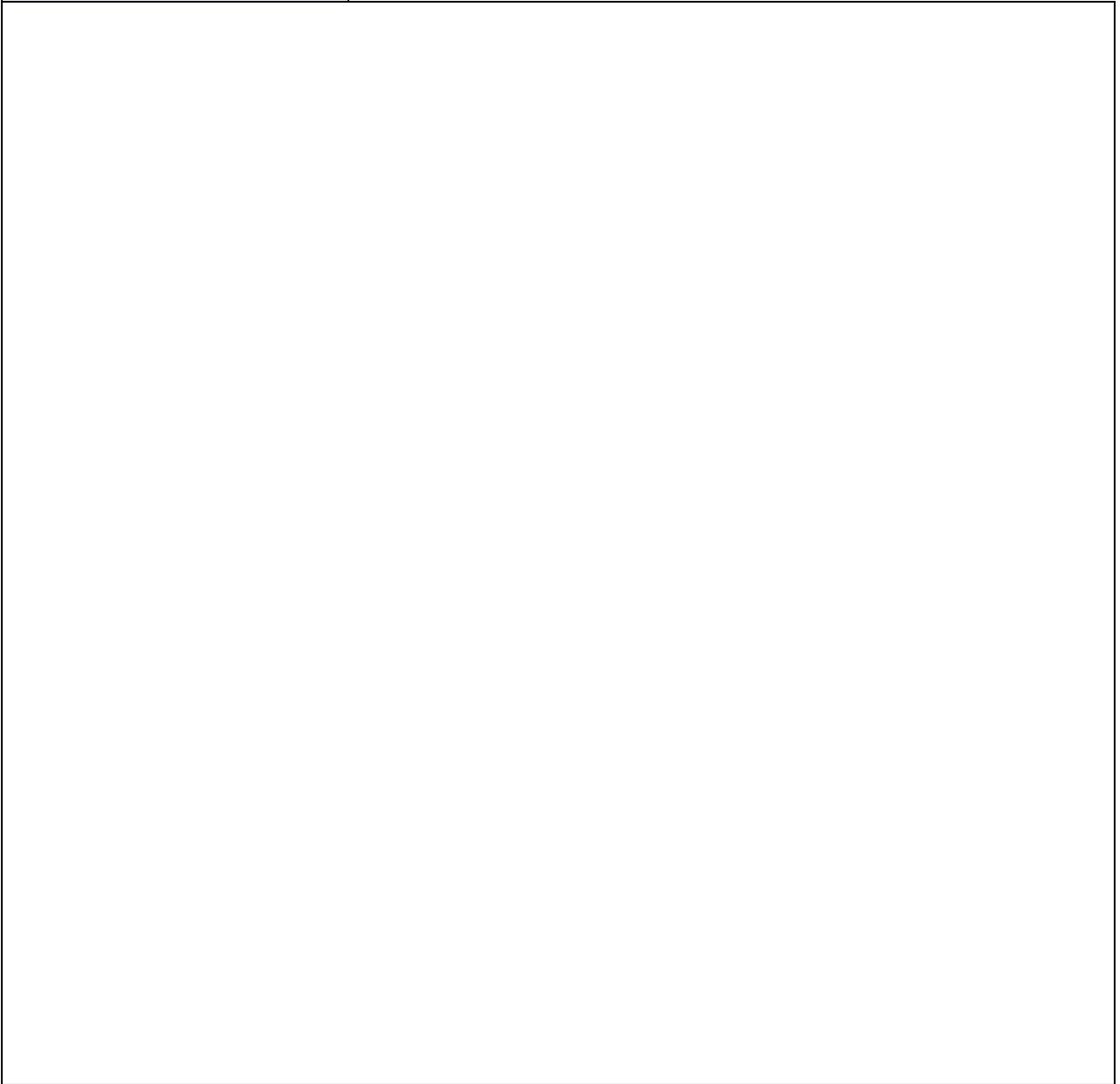




SAMPLE MOTION:



# City of Poulsbo

Planning Department

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To: Mayor Erickson and Poulsbo City Council

From: Karla Boughton, Associate Planner

Date: June 4, 2014

Subject: Marijuana uses – public hearing on proposed zoning ordinance amendments

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**A. Introduction:**

The City Council is scheduled to hold a public hearing on June 11, 2014 regarding proposed amendments to the Poulsbo Municipal Code – Title 18 zoning –allowing marijuana uses within the city limits. This memo will summarize the proposed amendments and outline options for Council consideration.

**B. Procedural Background:**

The Poulsbo City Council adopted interim zoning regulations on August 14, 2013 (Ordinance 2013-10), and assigned the light industrial zoning district and regulations for Initiative 502 authorized retailers, producers, processors and medical marijuana collective gardens. Public hearings on the interim regulations before the City Council were held on September 11 and 18, 2013.

The interim zoning regulations adopted by Ordinance 2013-10 were established for six months. The interim regulations were extended for an additional six months by City Council on February 5, 2014 after an advertised public hearing (Ordinance 2014-01).

The Poulsbo Planning Department initiated amendments to the zoning ordinance on April 1, 2014, waiting until the end of the 2014 legislative session - where a number of bills were introduced regarding both medical marijuana and recreational marijuana regulations – but of which none were passed.

The Planning Commission held its public hearing on May 13, 2014, and offered a recommendation of approval to the Council of the proposed zoning ordinance amendments.

Amendments to the zoning ordinance are processed as a Type IV permit under the procedures established in PMC 19.01. The following are a summary of the procedural highlights:

- Planning Commission notified Department of Commerce of proposed development regulations amendment on April 1, 2014.
- Notice of Application with optional DNS issued and published on April 11, 2014.
- Planning Commission public hearing notice was issued and published on April 25, 2014.

- SEPA Threshold Determination of Non-Significance issued on April 28, 2014.
- Staff Report was available on April 28, 2014.
- Planning Commission held on May 13, 2014.
- City Council public hearing notice was issued May 21, 2014.

**C. Proposed Amendment to Poulsbo Municipal Code:**

The zoning ordinance amendments propose a continuation of the interim zoning regulations, and allow I-502 recreational marijuana processors, producers and retail outlets, and RCW 69.51A collective gardens to be permitted within the City's Light Industrial (LI) zoning district. The draft amendments are Exhibit 1 to this memo.

In addition to identifying the appropriate zoning district, the proposed amendments include Definitions (Section 18.90.075.B), Limitations (Section 18.90.075.C), Marijuana Related Use Development Standards (Section 18.90.075.D), Compliance with state licensing (Section 18.90.075.E) and Penalties (Section 18.90.075.F).

The Liquor Control Board has adopted rules regarding the licensing of recreational marijuana processors, producer and retail outlets. The rules are found in WAC 314-55. Of relevance to the proposed zoning ordinance amendments, is WAC 314-55-050. A proposed marijuana business cannot be located within 1000' from the perimeter of the grounds of (a) elementary or secondary school; (b) playground; (c) recreation center or facility; (d) child care center; (e) public park; (f) public transit center; (g) library; or (h) any game arcade (where admission is not restricted to persons age 21 or older). The proposed zoning amendment will also apply the 1000' to collective gardens. The measurement is set forth in WAC 314-55-050(10) and is the shortest straight line distance from the proposed marijuana use building/business to the property line of the restricted entity (those listed above). It is the LCB that determines how the 1000' buffer will be applied during the licensing of the recreational marijuana; the City will determine the buffer measurement for collective gardens.

There are two areas of the City that are zoned light industrial and that will have available land for siting recreational marijuana and collective garden uses after the 1000' buffer is applied: north Viking Avenue and Little Valley/Bond Road area. Exhibit 2 are maps of each area, the first applying a 1000' buffer to existing restricted entities and the second an aerial of the existing LI zoned property with existing development.

**D. Prohibiting Marijuana Uses:**

The option of local jurisdictions to prohibit both recreational marijuana uses and collective gardens within its boundaries has been boosted by recent opinions rendered by the Washington Attorney General's office and the Washington Court of Appeals.

*Washington Attorney General's Opinion*

On January 16, 2014, the state Attorney General's Office issued a formal opinion concluding that Initiative 502 does not preempt counties, cities, and towns from banning recreational marijuana businesses – producers, processors and retailers – within their jurisdictions. A number of jurisdictions have already banned marijuana related uses, such as cities of SeaTac, Wenatchee, Yakima, Richland, Grandview, Mossyrock, Oakdale, and Clark and Pierce Counties.

The following is an excerpt from the opinion:

*“Under Washington law, there is a strong presumption against finding that state law preempts local ordinances. Although Initiative 502 establishes a licensing and regulatory system for marijuana producers, processors, and retailers in Washington State, it includes no clear indication that it was intended to preempt local authority to regulate such businesses. We therefore conclude that I-502 left in place the normal powers of local government to regulate within their jurisdictions.”*

The Attorney General concluded that nothing in Initiative 502 expressly or impliedly preempts local land use jurisdiction, and recognized the strong presumption against finding that a state law preempts local ordinances.

A question often asked is “how can a jurisdiction ban what voters in the State of Washington have approved?” The answer is that local governments retain jurisdiction under the state constitution to adopt and enforce land use regulations intended to preserve and promote the general health, safety and welfare of its community. The local legislative body retains the ability to weigh the issues, the desires of the community, the local land use goals and needs, and to make the appropriate decision based upon these local factors. It is this jurisdiction that the Attorney General’s opinion validated.

#### Washington Court of Appeals

On March 31, 2014, the Washington Court of Appeals ruled that cities have the authority to ban medical marijuana collective gardens (*Cannabis Action Coalition v. City of Kent*, No. 70389-0-1, Court of Appeals Div.1 March 31, 2014). The court ruled that local municipal regulatory authority is not preempted, as RCW 69.51A.140 (i.e. medical use of cannabis act) states:

“Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: *Zoning requirements*, business licensing requirements, health and safety requirements, and business taxes.” (Emphasis added).

The Court further held that despite the authorizing language in RCW 69.51A.085, collective gardens are illegal uses. This determination was for all forms of collective gardens – the originally intended grow/share arrangement or the dispensary arrangement – and are presently considered illegal uses in jurisdictions within Division 1 of the Court of Appeals. While Poulsbo is within Division 2 of the Court of Appeals, the case is instructive. A petition for review of the City of Kent case has been filed before the state Supreme Court. It will be at least three or four months before we learn whether the case is accepted for review.

#### Conclusion

In light of the Attorney General Opinion and the City of Kent court decision, jurisdictions may proceed with a ban on recreational marijuana production, processing and retailing and/or collective gardens within their jurisdictions. However, it is possible that there

may be future state legislative efforts to amend both the medical marijuana and recreational marijuana laws to prevent such prohibitions.

**E. City Council Options:**

1. Proposed Zoning Ordinance Amendments: The public hearing scheduled for June 11, 2014 is to take public testimony on proposed amendments to the City's zoning ordinance, allowing recreational marijuana uses and collective gardens be located within the City's Light Industrial zoning district, and include development standards for such uses. If the City Council wishes to approve the proposed amendments, the following motion is necessary:

**MOVE** to *approve* an amendment to the Poulsbo Municipal Code, adding a new Section 18.90.075 within the Business and Employment Chapter of the zoning ordinance, entitled Marijuana Related Uses, allowing for such uses to be located in the Light Industrial Zoning District and identifying development standards for their use and siting, as identified in Exhibit 1 to the City Council memo dated June 4, 2014;

AND adopt the Planning Commission Findings of Fact as identified in Exhibit 4;

AND directs the City Attorney to prepare an ordinance to this effect.

2. Prohibit Marijuana Uses: If the City Council wishes to exercise its legislative authority and prohibit recreational marijuana uses and collective gardens, the Council will need to deny the proposed zoning ordinance amendments. In denying the amendments, Section 18.20.050 "Legal Uses" of the zoning ordinance, which states "No land use which is prohibited by state or federal law will be allowed by the city," will be utilized by City staff in the denial of any businesses licenses that may be applied to the City regarding marijuana uses, and will state that marijuana remains an illegal controlled substance under federal law. The City Council will also need to identify findings of fact in support of a decision to prohibit marijuana uses. The following findings have been prepared for City Council consideration:

Proposed Findings of Fact:

- a) Marijuana remains illegal under federal law. The memorandum issued by the U.S. Attorney General's office on August 29, 2013 did not change the law, but only announced the decision of the U.S. Attorney's Office to exercise prosecutorial discretion with regard to enforcement of the federal law within the States of Colorado and Washington. The U.S. Attorney's Office reserved the power to prosecute in any instance where it felt the efforts of the states fell short of "robust regulation," where a threat exists for the illegal distribution to minors, or where a threat of interstate distribution of marijuana was encountered.
- b) The City of Poulsbo has been granted constitutional authority to enact legislation regulating land uses within its jurisdiction so long as such local legislation is consistent with the general laws (Constitution Article 11, Section 11).
- c) Nothing in Initiative Measure No. 502 (Initiative 502) decriminalizing possession, use and delivery of specified amounts of marijuana and authorizing the Washington State Liquor Control Board to develop and implement regulations for the licensing of marijuana production, processing and retailing expressly or

impliedly preempts the City of Poulsbo from exercising its land use regulatory authority, including the ban of marijuana production, processing and retailing within city limits.

- d) Nothing in RCW 69.51.A Medical Use of Cannabis Act, expressly or impliedly preempts the City of Poulsbo from exercising its land use regulatory authority, including the ban of collective gardens.
- e) Initiative 502 and RCW 69.51A do not *require* that any city allow the location of marijuana production, processing or retailing facility, or collective garden, within its jurisdiction. The City retains jurisdiction under the state constitution to adopt and enforce land use regulations intended to preserve and promote the general health, safety and welfare of its community.
- f) Prohibiting the production, processing and retailing of marijuana, as set forth in Initiative 502 and collective gardens as set forth in RCW 69.51A does not regulate the individual use of marijuana as authorized by Initiative 502 and RCW 69.51A.

If the City Council wishes to prohibit marijuana uses, the following motion is necessary:

**MOVE** to *deny* a proposed amendment to the Poulsbo Municipal Code to add a new Section 18.90.075, allowing marijuana uses be located within city limits and identifying development standards for such uses. In support of this decision, the City Council concurs with the findings of fact identified in Section E.2 of the City Council memo dated June 4, 2014.

AND, the City Council repeals Ordinance 2014-01 and Ordinance 2013-10, which established interim zoning regulations allowing marijuana use within the light industrial zoning of the city;

AND it is the City Council decision to prohibit marijuana uses, including recreational and collective gardens within the city limits, in accordance with Section 18.20.050 “Legal uses” of the Poulsbo Municipal Code, which states that the no land use which is prohibited by state or federal law will be allowed by the city;

AND directs the City Attorney to prepare an ordinance to this effect.

**F. Exhibits:**

1. Draft zoning ordinance amendments for marijuana related uses: New Chapter 18.90.075
2. Maps of Light Industrial zoning with available land for siting marijuana uses
3. Public Comments received to date
4. Planning Commission Findings of Fact
5. Planning Commission public hearing draft minutes
6. Planning Commission staff report and exhibits
7. City Council public hearing noticing affidavits

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 1**

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**Draft Zoning Ordinance Amendments for Marijuana Related Uses  
New Chapter 18.90.075**

## Chapter 18.90.075 Marijuana Related Uses

### A. Purpose.

The purpose of requiring standards for marijuana related uses and facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the City. In addition, these provisions are intended to acknowledge a) collective gardens as set forth in RCW 69.51A.085, b) enactment by Washington voters of Initiative 502, and c) state licensing procedure to permit, but only to the extent required by state law, collective gardens, marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the city.

### B. Definitions.

All definitions used in this chapter apply to this chapter only, and except as otherwise revised below, shall have the meanings established pursuant to RCW 60.50.101 and WAC 314-55-010, as the same exist now or as they may later be amended. Select definitions have been included below for ease of reference:

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

“Collective Garden” means any place, area, or garden where qualifying patients engage in the production, processing, and delivery of cannabis for medical use as set forth in chapter 69.51A RCW and subject to the limitations therein.

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

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

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

“Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent (.3%) on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted

therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.

“Marijuana infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term marijuana infused products does not include usable marijuana.

“Marijuana related use” means any use where a marijuana producer, marijuana processor, marijuana retailer, and collective garden are established or proposed.

“Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana into usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana infused products in a retail outlet.

“Perimeter” means a property line that encloses an area.

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

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

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

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

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

“Useable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana infused products.

**C. Limitations on Marijuana Related Use.**

No marijuana processor, marijuana producer, marijuana retailer or collective garden shall locate within 1000 feet of the following businesses and facilities, as measured in the manner in 314-55 WAC or as hereafter amended:

1. Elementary or secondary schools;
2. Playgrounds;
3. Recreation center or facility;
4. Child care centers;
5. Public park;
6. Public transit center;
7. Library; or
8. Game arcade.

**D. Marijuana Related Use Development Standards.**

1. Marijuana producers and marijuana processors shall be allowed in the Light Industrial (LI) zoning district only. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law and this chapter.
2. Marijuana retail outlets shall be allowed in the Light Industrial (LI) zoning district only. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law and this chapter.
  - a. Marijuana retail outlet use within the Light Industrial zoning district may utilize all of building’s gross square footage for retail use.
3. Collective gardens shall be allowed in the Light Industrial (LI) zoning district only.
  - a. Collective gardens must meet all requirements under RCW 69.51A.085, including but not limited to the number of members, number of plants, amount of useable cannabis on site, maintenance of each member’s valid documentation of qualifying patient status.
  - b. A location utilized solely for the purpose of distributing medical marijuana shall not be considered a collective garden and is prohibited.
  - c. Outdoor collective gardens are prohibited and must be within a fully-enclosed and secure structure that complies with but not limited to, the International Building Code, electrical code and fire code.
  - d. No production, processing or delivery of cannabis may be visible to the public.
  - e. Collective gardens must meet the location requirements in 18.90.075.C.

4. No marijuana producer, processor or retail outlet are allowed as a subordinate or accessory use in any land use district.
5. No production, processing or retailing facility shall be established or conducted in a building that includes residential use and/or as mixed use.
6. Recreational marijuana production, processing and retailing operations shall be within a fully-enclosed and secure structure that complies with but not limited to, the International Building Code, electrical code and fire code. No outdoor cultivation is allowed.
7. Signage shall comply with WAC 314-55-155(1) now or as hereafter amended, and the city sign code as applicable.
8. All applicable development regulations and performance standards found in PMC 18.90 shall apply to marijuana uses located in new or redeveloped structures, unless modified by this Chapter.
9. Marijuana use parking shall be as follows:
  - a. Recreational marijuana production, processing operations, and collective gardens shall be 1 space per 500 gsf.
  - b. Recreational marijuana retail outlet shall be 1 space per 300 gsf.
10. Marijuana odor shall be contained within the enclosed structure so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana related use shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

**E. Compliance with state licensing.**

The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Poulsbo is an authorization to circumvent federal law or to provide permission to any person or entity to violate federal law. In addition to collective gardens, only Washington State licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Poulsbo and then only pursuant to a license issued by the State of Washington. Business license issued by the City of Poulsbo is also required.

**F. Penalties.**

In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, but not limited to the provisions of PMC Chapter 1.16.

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 2**

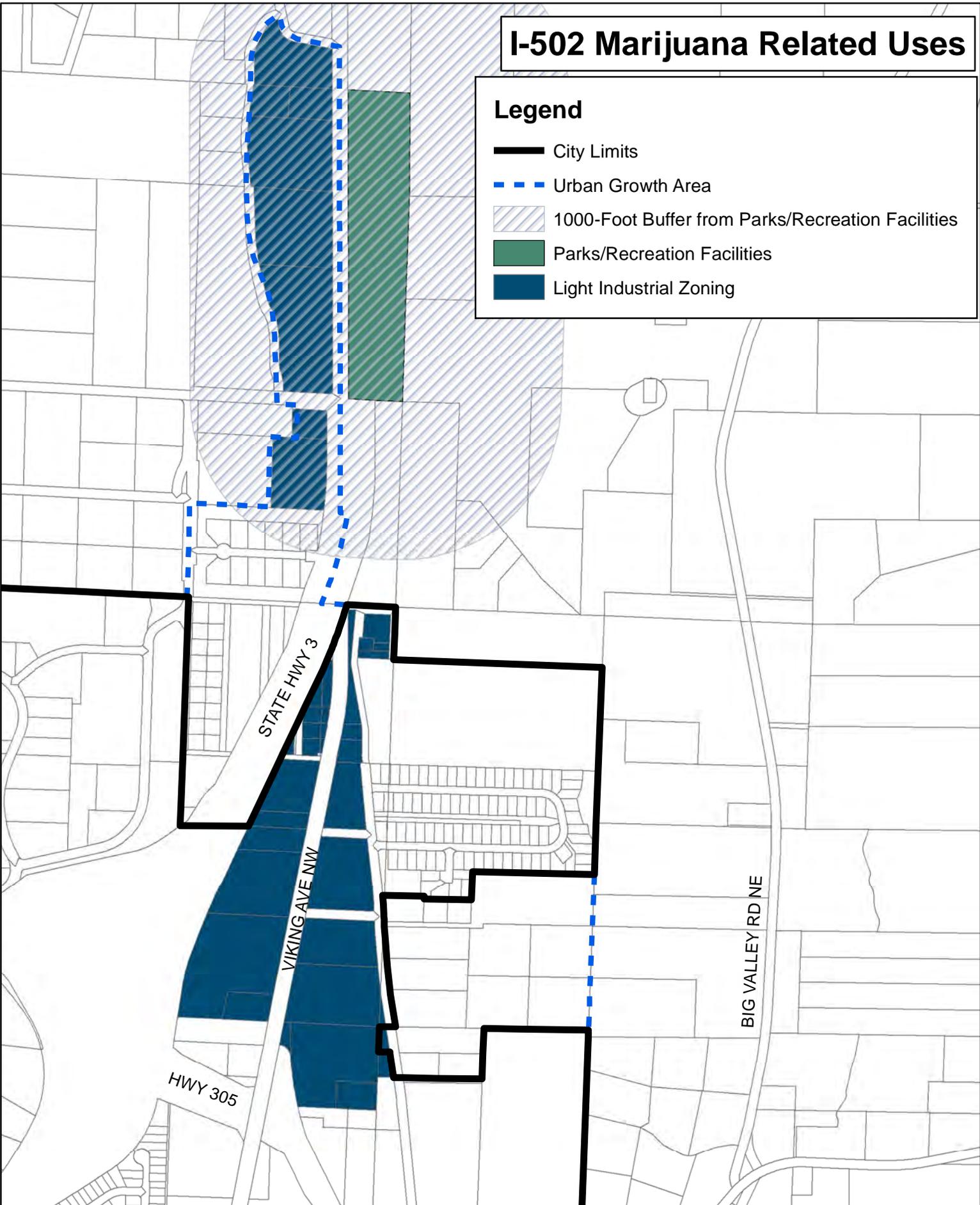
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**Maps of Light Industrial zoning with available land for siting marijuana uses**

# I-502 Marijuana Related Uses

## Legend

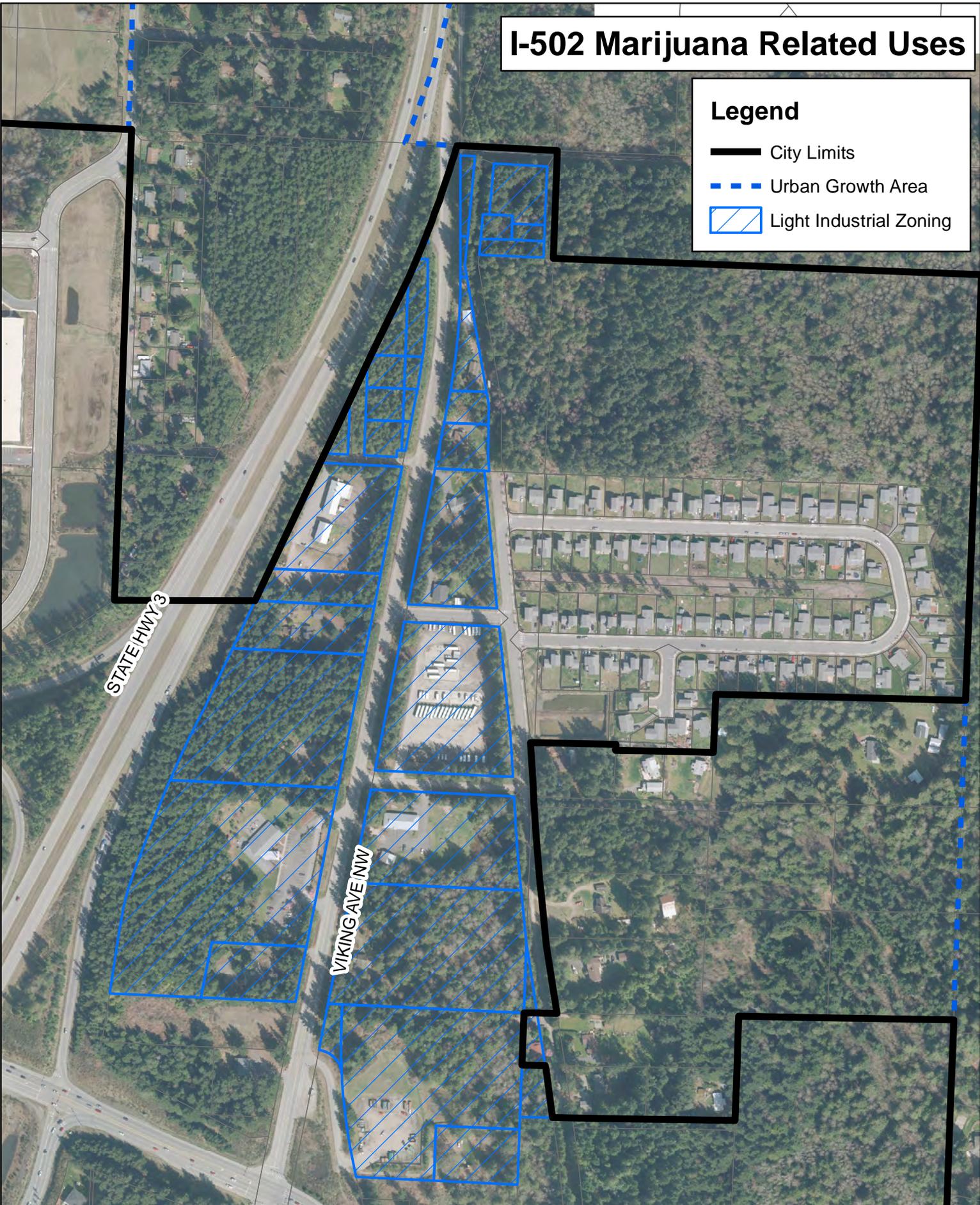
-  City Limits
-  Urban Growth Area
-  1000-Foot Buffer from Parks/Recreation Facilities
-  Parks/Recreation Facilities
-  Light Industrial Zoning



# I-502 Marijuana Related Uses

## Legend

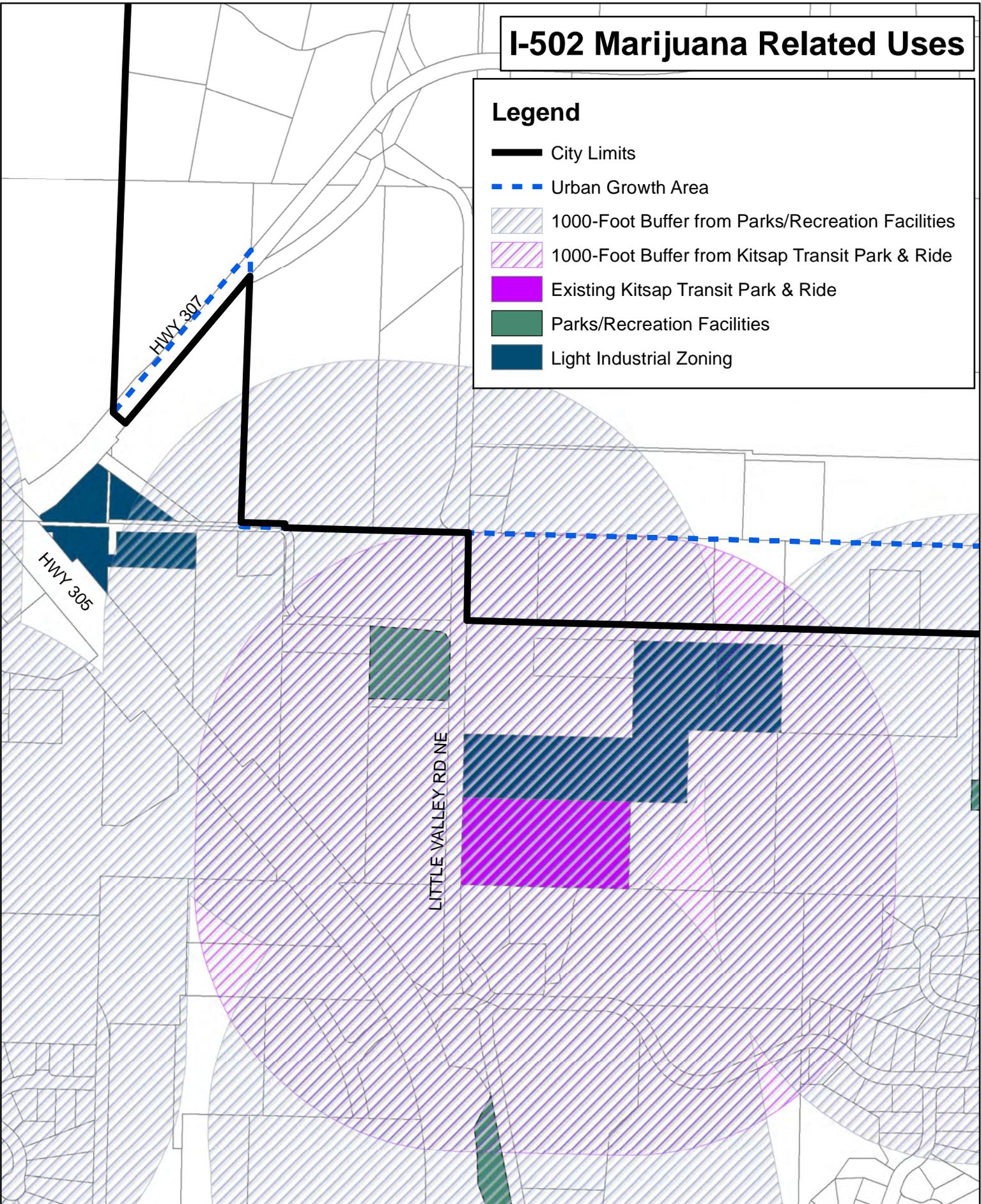
-  City Limits
-  Urban Growth Area
-  Light Industrial Zoning



# I-502 Marijuana Related Uses

## Legend

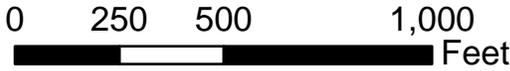
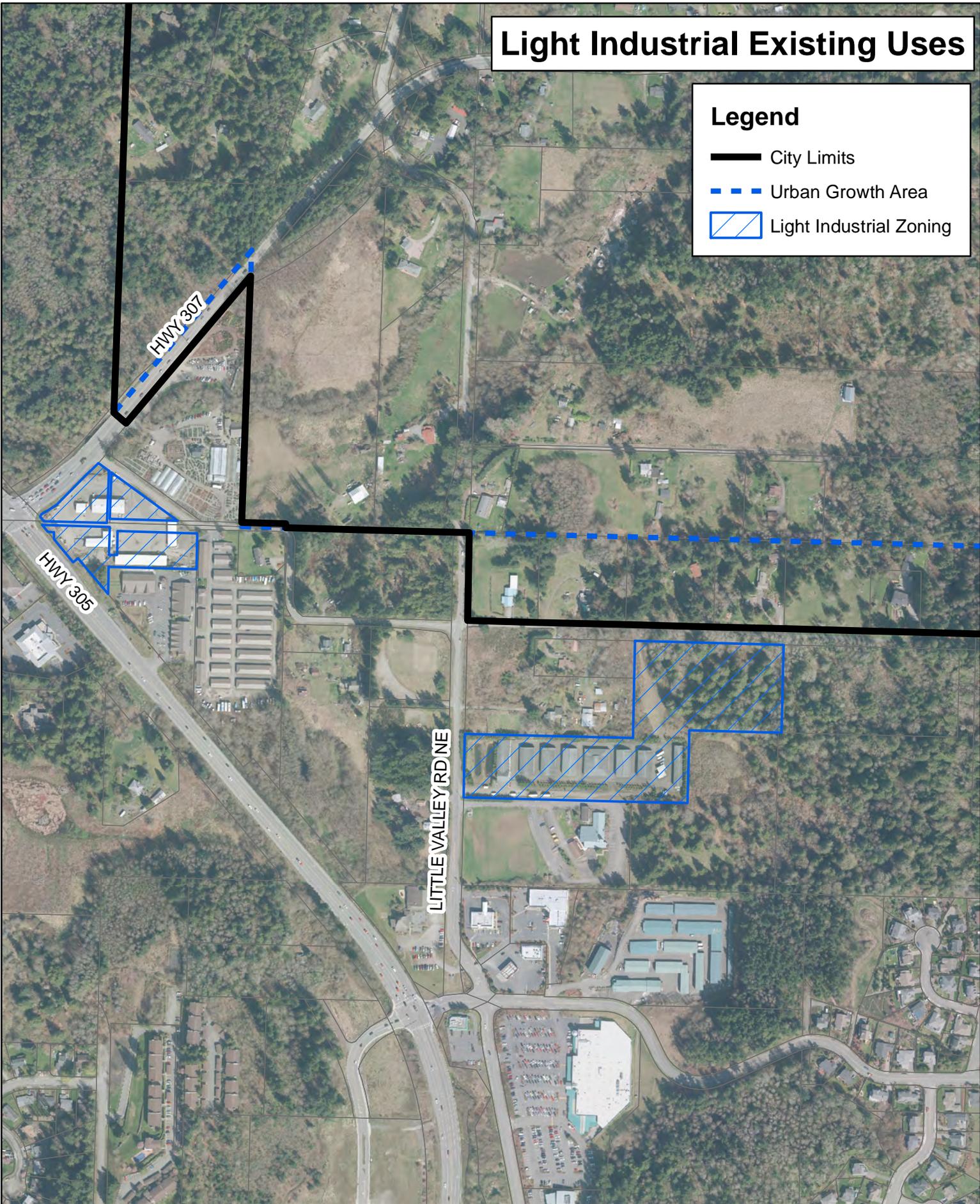
- City Limits
- - - Urban Growth Area
- ▨ 1000-Foot Buffer from Parks/Recreation Facilities
- ▨ 1000-Foot Buffer from Kitsap Transit Park & Ride
- █ Existing Kitsap Transit Park & Ride
- █ Parks/Recreation Facilities
- █ Light Industrial Zoning



# Light Industrial Existing Uses

**Legend**

- City Limits
- - - Urban Growth Area
- ▨ Light Industrial Zoning



2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 3**

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**Public Comments Received for City Council Public Hearing**  
(Including comments received during Planning Commission Hearing)

**From:** [Kylie Purves](#)  
**To:** [Karla Boughton](#); [Barry A. Berezowsky](#)  
**Subject:** FW: Marijuana  
**Date:** Wednesday, June 04, 2014 2:50:48 PM

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-----Original Message-----

From: Loretta Sluys [<mailto:l.sluys@comcast.net>]  
Sent: Wednesday, June 04, 2014 2:45 PM  
To: Council Members  
Subject: Marijuana

Mayor and City Council of Poulsbo,

I would like to back the full council on not allowing marijuana sales within the city limits of Poulsbo. This is detrimental to the city causing expense to enforce the law and showing our youth that it is OK to use marijuana.

If people need it for medical reasons, go out of town to purchase the product. Let's be responsible for our actions and, in addition set an example for our town and other towns that can follow this example.

Thank you, for listening.

Loretta L Sluys

**From:** [Kylie Purves](#)  
**To:** [Karla Boughton](#); [Barry A. Berezowsky](#)  
**Subject:** FW: Support for the City of Poulsbo ban of commercial manufacturing and distribution of marijuana  
**Date:** Wednesday, June 04, 2014 2:19:21 PM

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**From:** myrvang@comcast.net [mailto:myrvang@comcast.net]  
**Sent:** Wednesday, June 04, 2014 1:58 PM  
**To:** Council Members  
**Subject:** Support for the City of Poulsbo ban of commercial manufacturing and distribution of marijuana

June 4, 2014

Dear Council Members,

I am and have been a volunteer in the mental health field in Kitsap County for over 15 years. I have been a resident of North Kitsap for 48 years and the City of Poulsbo for 30 years. I recently read in the North Kitsap Herald the debate regarding the permitting of the commercial manufacturing and sales of recreational marijuana in the City of Poulsbo. I was very pleased to read that the city council is considering a ban on marijuana businesses in Poulsbo. I know that this is a hot issue, and I am writing to express my very strong support for a ban on the sales of pot. It was refreshing to read that the City of Poulsbo is moving toward taking a positive stand for the health of the residents of Poulsbo.

I have lived in Poulsbo and loved Poulsbo. My children went to the local schools in Poulsbo. I have worked with folks in Poulsbo, Kitsap County and the surrounding counties.

Many of the individuals and families I have worked with have struggled with the adverse impact of drug and alcohol dependency. Often they have chosen this approach to temporarily treat their mental health symptoms instead of actually getting the professional help they need. They contact me when things are spiraling out of control. I see the devastation of addiction in these individuals and their families. Often grandparents contact me who are raising their grandchildren because of drug addiction in their own children. Most often it is marijuana. I am concerned that legitimizing marijuana will only benefit those who have a financial interest in its sales, and not the general public. Legitimizing marijuana also sends a clear message to the youth in our community that using marijuana recreationally is okay. It is unfortunate the youth in our community have already gotten this message through the passage of the state initiative legalizing marijuana.

Although adults would be able to purchase marijuana elsewhere, a ban in the City of Poulsbo would *not* put its stamp of approval on the recreational marijuana industry. It is an industry that we really don't need in Poulsbo, and ultimately, it does nothing to benefit the residents of Poulsbo.

Poulsbo already has significant problems with drugs and alcohol. Choosing not to endorse the sale of marijuana is a positive statement for the health and welfare of the families who reside here. I appreciate the stand the city council has taken so far and hope you will continue by banning marijuana sales in the City of Poulsbo. Please consider viewing this as a

public health and safety issue for our lovely city as you weigh and decide this issue.  
I appreciate your leadership and I thank you in advance for your consideration of this letter.

Respectfully,

Lynn Myrvang

## Karla Boughton

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**From:** Kylie Purves  
**Sent:** Monday, June 02, 2014 11:20 AM  
**To:** Barry A. Berezowsky; Karla Boughton  
**Subject:** FW: Pot Sales in Poulsbo

Here is an e-mail from the council e-mail address regarding marijuana.

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**From:** Starkgraf, Richard (DOL) [<mailto:RStarkgraf@DOL.WA.GOV>]  
**Sent:** Friday, May 30, 2014 4:39 PM  
**To:** Council Members  
**Cc:** [rstarkg@aol.com](mailto:rstarkg@aol.com)  
**Subject:** Pot Sales in Poulsbo

My wife and I were reading that the City of Poulsbo is going to vote on if we will allow Pot Store in our city. We both agree that if we allow this then our city will be heading downhill from there. The crime rate will increase, and minors will find a way to purchase this drug. Also we will see an influx of individuals coming to our town. I mean those individuals we do not want here in our state not saying Poulsbo. I have been working for the Department of Licensing for many years and see I have seen an influx of people coming to Washington to be able to smoke and purchase pot. I also have seen an increase in minors using this and other drugs in our town and county since WA has passed the pot law. Knowing this fact saddens both my wife and myself. I

Respectfully,

Richard Starkgraf  
Poulsbo WA

## Karla Boughton

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**From:** Kylie Purves  
**Sent:** Monday, June 02, 2014 11:21 AM  
**To:** Barry A. Berezowsky; Karla Boughton  
**Subject:** FW: long system benefits of legalizing pot.

Here is another e-mail from the council e-mail address commenting on marijuana.

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**From:** Lyle Courtsal [mailto:ldcinorbit@gmail.com]  
**Sent:** Friday, May 30, 2014 1:57 PM  
**To:** news@peninsuladailynews.com; news@ptleader.com; Council Members; newstips@seattletimes.com; letters@latimes.com; letters@nytimes.com; letterstotheeditor@msmagazine.com; Lyle Courtsal; rachelseymour@kitaspsun.com  
**Subject:** long system benefits of legalizing pot.

Dear People,

The biggest question before you is if you believe in the provable beneficial medical efficacy of cannabis/marijuana ([www.rxmarijuana.com](http://www.rxmarijuana.com)), or if you believe the lies. Also a federal court in Kentucky has OK'ed the growing of hemp in the US, were previously it was illegal. University of Kentucky. Family farmers have always wanted to grow cannabis/hemp. Wrap your narrow, misinformed minds around this; recreational uses of cannabis can be medically classified.

Dear People,

I saw your article on marijuana the other day. Y'all think you're so much better than those tie-dyed stoners out there you've been running into the pavement all these years; well, you're wrong. You didn't get it for years and years and years. Crap, you put almost 6 million plus people total into prison over a thirty year period, maybe a lot more than that, and that doesn't count how many people died of the poverty both housed and homeless under the nazi gun. And you see, there's the rub. You have been socialized to avoid the heart of the issue so deeply on a subconscious level, you can't see your way out of the hole you've gotten yourself into. That's what fear programming delivered by a machine that can deliver who knows how many images a minute does. Jerry Mander knew once upon a time.

It's about this; marijuana is a soul healer and liberator. It catalyzes a self-therapeutic process that no one can interfere with, not even your mother. You will come to yourself if you're one of the 70% of the people out there that it works for. The other 30% may go a little crazy from what life has done to them before, but they won't die. Those states that have made medical marijuana legal have much lower teen and boomer suicide rates. And isn't that the problem in the US; who in leadership positions want's that to happen? Then the goddamn scamming nazi pigs would have to work for a living. Can't have that. So we end up being scammed, held at gunpoint, surveilled, extorted, arrested, beaten, shot, imprisoned, and killed at a really high rate most all over the damn stupefied country, for the money, just like always.

And you know what the poor stupefied suckers can't figure out? That it doesn't have a discernible influence on auto accident rates; they remain about the same or slightly improve. A Ph,D friend of mine did a driving study in the 60's and found that 50% of drivers he tested improved. see, accident rates are always really high and you can't accurately track causality or intoxication, even though the lying, thieving corporate pigs will try and say they can. And the health consequences of cannabis use are so beneficial that the NIH would only fund studies that measured it's negative consequences of use. The only allowable and reliable research information base out there is individual case studies, not real research studies. Why is that? The usual reason for the US; really huge stupid greedy institutions that have taken on a life o their own and completely lost their way as a consequence.

So when another day slamming down the passing lane of life in the big shitty has got you seriously down, scatter-brained, and out of touch with yourself, go to one of your favorite secret places for resting and

recharging, sit down, take ten deep breaths, roll up a fatty of the best green indica/sative crosses you can find, and take about four to ten hours off from the rat race, and find your self and your life again, That's what it's for, healing up your ripped up, shredded soul and getting you back in touch with what really matters again. Violet Victoria said, "How can you charge so much? This is magic stuff" And she was so beautiful all purple and all that, that one sunny day up there on the stage at that hempfest so long ago. And that is really what it's all about for me; We were there before the soul of it was mainstreamed out of it by stupid greedy white yuppies and it was incredible what we freakers pulled off all those years way back then before the pigs figured out they could make money off it. It is days like that that make life worthwhile. Whereever you are Violet, thank you. What the hell is so wrong with really bright colors anyways? Yellow, Red, Green, Orange, Purple, Magenta, Pink, Aquamarine; Oh baby, you were so beautiful and alive then . . So much moreso than now. But I still love you, Lady Liberty. Do we have a choice?

Lyle Courtsal

PS 2.2% of a big market is still some change. Can you think of other negative impacts of marijuana enforcement? I can. Also city of port townsend disagrees with your narrow-minded and ultimately misinformed emotionalized attitudes; typical fascists. ..

PPS Talk to Jeanne Kohl-Welles about the people she knows in-state that have benefitted personally in their living situations from using medical marijuana; this is a clear quality of life issue for them; there are no alternatives as good for them.

## Karla Boughton

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**From:** BE Coppinger Jones [becoppinger@hotmail.com]  
**Sent:** Tuesday, June 03, 2014 10:48 AM  
**To:** Council Members  
**Subject:** June 11 hearing

Councilmembers Linda Berry-Maraist, Connie Lord, Gary Nystul, Jeff McGinty, Ed Stern, David Musgrove and Jim Henry:

Please note that I am in favor of Poulsbo banning marijuana businesses of any kind.  
Thank you.

Barbara Jones

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There is ultimate and universal truth, and there are objective and unchanging moral standards.

## Karla Boughton

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**From:** Ellen Stehouwer [gazellens@gmail.com]  
**Sent:** Monday, June 02, 2014 3:53 PM  
**To:** Council Members  
**Subject:** Ban on Pot Sales

I am writing this email to SUPPORT a BAN on pot distribution and sales in the city of Poulsbo.

Thank you,  
Ellen K. Stehouwer, D.O.

16323 Norum Rd NE  
Poulsbo

## Karla Boughton

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**From:** dr1psych@comcast.net  
**Sent:** Monday, June 02, 2014 3:03 PM  
**To:** Council Members  
**Subject:** Support for the prohibition of commercial manufacturing and distribution of marijuana in the City of Poulsbo

Dear Council Members,

I am a clinical psychologist who has practiced in the City of Poulsbo during the past 22 years. I have been a resident of North Kitsap for 18 years.

I recently read in the North Kitsap Herald of the debate regarding the permitting of the commercial manufacturing and sales of recreational marijuana in the City of Poulsbo. I was pleased to read that the city council is considering a ban marijuana businesses in Poulsbo. I know that this is a hot issue, and I am writing to express my very strong support for a ban on the sales of pot. It was refreshing to read that the City of Poulsbo is moving toward taking a positive stand for the health of the residents of Poulsbo.

I have lived near Poulsbo, sent my children through the schools in Poulsbo, and treated patients who live in Poulsbo and throughout Kitsap county.

During the past 32 years I have worked with many individuals and families who have struggled with the adverse impact of drug and alcohol dependency. Addiction can be devastating to families. I am concerned that legitimizing marijuana will only benefit those who have a financial interest in its sales, and not the general public. It also sends a clear message to the youth in our community that using marijuana recreationally is okay. I know that they have already gotten this message through the passage of the state initiative legalizing marijuana, and this is unfortunate.

Passage of the proposed ban would not prevent adult citizens from purchasing marijuana elsewhere and using it within the limits of Washington state law. At worst, residents would have to travel a little to purchase this drug. The upside of a ban is that the City of Poulsbo would not put its stamp of approval on the recreational marijuana industry. It is an industry that we really don't need in Poulsbo, and ultimately, it does nothing to benefit the residents of Poulsbo.

Poulsbo already has significant problems with drugs and alcohol. Choosing not to endorse the sale of marijuana is a positive statement for the health and welfare of the families who reside here. I hope that viewing this as a public health and safety issue will be foremost in your minds as you grapple with this issue.

I appreciate your leadership and I thank you in advance for your consideration of this letter.

Respectfully,

John Rarick, Ph.D.

**Karla Boughton**

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**From:** Anakka Hartwell [hartwellanakka@yahoo.com]  
**Sent:** Friday, April 25, 2014 8:50 AM  
**To:** Karla Boughton; Alexis Quinones; Krystalquinones  
**Subject:** Re: 2014 Zoning Ordinance Amendment Marijuana Related Uses - Poulsbo Planning Commission Public Hearing

Hi Karla and thanks for memos from the email list. After reading this proposed amendment I do plan to speak. I will need 10 min and will have a power point display.

I love Poulsbo and think its the most charming city in the state. We do Poulsboians have an outer image that we portray, but we must be kind and contemporary in our thinking towards each other and towards those that are ill and using cannabis to heal and live. We dont leave our sick out to die.

I look forward to seeing you and the council next week.

With Kindness,

**Anakka**

On Friday, April 25, 2014 8:31 AM, Karla Boughton <[kboughton@cityofpoulsbo.com](mailto:kboughton@cityofpoulsbo.com)> wrote:

Hello,

Attached please find the public hearing notice before the Poulsbo Planning Commission for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning code amendments can be found at the following link:

[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Tuesday, May 13, 2014 beginning at 7 p.m. at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

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**From:** Keith Grellner [keith.grellner@kitsappublichealth.org]  
**Sent:** Monday, April 14, 2014 9:25 AM  
**To:** City of Poulsbo Planning  
**Subject:** Zoning Ordinance Amendment for Marijuana Related Uses - Comments from Kitsap Public Health District

To Whom It May Concern:

The Kitsap Public Health District would like to take this opportunity to remind the City of Poulsbo and property owners along the north end of Viking Avenue (zoned light industrial and I-502 Marijuana Related Uses) that parcels reliant on septic systems are required to submit a Commercial Building Clearance application to the Health District for review before changing the use of a parcel from residential to commercial, or changing the nature of a commercial use.

Please contact the Health District at 360.337.5235 with any questions.

**Keith Grellner, RS**  
Environmental Health Director  
Kitsap Public Health District  
[kitsappublichealth.org](http://kitsappublichealth.org)  
360-337-5284 Office  
360-475-9284 Fax

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 4**

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**Planning Commission Findings of Fact**

# City of Poulsbo

Planning Department



City of Poulsbo

2014 Zoning Ordinance Amendments  
Marijuana Related Uses

## PLANNING COMMISSION FINDINGS OF FACT, CONCLUSION AND RECOMMENDATIONS

May 13, 2014

The Poulsbo Planning Commission met at a regular meeting on May 13, 2014, and after holding a properly noticed and advertised public hearing, recommended APPROVAL to the City Council, the proposed amendments to the Poulsbo Zoning Ordinance, adding a new chapter 18.90.075 within the Business and Employment Section of the zoning ordinance, entitled Marijuana Related Uses, allowing for such uses to be located in the Light Industrial Zoning District and identifying development standards for their use and siting. The specific amendments were identified as Exhibit A to the Planning Commission staff report.

In reaching this conclusion, the Planning Commission followed the criteria under PMC 18.210.010.

### FINDINGS:

Pursuant to PMC 18.210.010, in order to grant a Zoning Code text amendment, the following findings must be made:

**1. The amendment is consistent with the Comprehensive Plan; and**

*The comprehensive plan does not identify allowing or denying specific uses. However, the comprehensive plan does ensure that development regulations establish appropriate standards for development in each of the City's zoning districts. Further, the voters of Washington and the state legislature have identified marijuana use as an appropriate use; the Liquor Control Board has identified locational and business requirements in WAC 314-55. The proposed zoning ordinance amendments also establish appropriate development standards for the recreational and collective garden marijuana uses.*

**2. The amendment supports and/or enhances the public health, safety or welfare; and**

*The proposed amendments provide for the public health, safety and welfare by allowing the marijuana related uses to be located in only the light industrial zoning district. Further, the state buffer standards from the identified restricted entities*

*provides for appropriate locations. The state licensing requirements also addresses many of the public health, safety or welfare concerns. The proposed amendments provide for standards for collective gardens, as well as requiring all marijuana related uses to be located within enclosed structures compliant with building, electrical and fire codes. Finally, the proposed zoning ordinance amendments address and regulates marijuana odor.*

**3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Poulsbo.**

*The proposed amendments allow for the processing and sale of recreational marijuana that the voters of the state of Washington approved through the passage of Initiative 502, and the collective gardens set forth in RCW 69.51A. Compatibility can be mitigated by the 1000' buffer from the state identified restricted entities, the state licensing requirements, and the proposed development regulations.*

**CONCLUSION:**

The PLANNING COMMISSION has concluded that the proposed amendments to the Poulsbo Zoning Ordinance Section 18.90 Business and Employment, is consistent with the comprehensive plan, provides for the public health, safety and welfare, and is not contrary to the interest of citizens and property owners: the proposed amendments allow for the marijuana related uses the voters of the state of Washington approved through the passage of Initiative 502 and collective gardens set forth in RCW 69.51A; limits these uses to the City's light industrial zoning district; incorporates the buffering and other standards required by the Washington State Liquor Control Board; and establishes development standards that ensure compliance with building, electrical and fire codes.

**RECOMMENDATION:**

The PLANNING COMMISSION RECOMMENDS APPROVAL of the proposed Zoning Ordinance Amendments regarding marijuana related uses, identified as Exhibit A to the Planning Commission staff report, allowing for such uses in the Light Industrial zoning district and identifying development standards for their use and siting.



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RAY STEVENS, CHAIR  
Planning Commission  
May 13, 2014

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 5**

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**Planning Commission Public Hearing Draft Minutes**

**City of Poulsbo  
PLANNING COMMISSION**

**Tuesday May 13, 2014**

**DRAFT MINUTES**

**MEMBERS PRESENT**

Jim Coleman; Gordon Hanson; Bob Nordnes; Kate Nunes; Shane Skelley; Ray Stevens; James Thayer

**STAFF**

Keri Weaver; Karla Boughton; Edie Berghoff

**GUESTS**

Susan Ogilvie; Brian Meyers

**1. CALL TO ORDER**

Chairman Stevens called the meeting to order at 7:01 pm

**2. FLAG SALUTE**

**3. APPROVAL OF MINUTES** – Minutes of March 11, 2014

**MOTION: COLEMAN / NORDNES: Move to approve the minutes of March 11, 2014. Vote: 6 for, 1 abstain**

**4. MODIFICATIONS TO AGENDA**

**5. COMMENTS FROM CITIZENS** – none

**6. CVS SHORT PLAT**

**PUBLIC MEETING**

Keri Weaver, Associate Planner, described the 2 lot short plat at the corner of State Highway 305 and Hostmark Street currently occupied by NW Design Center. CVS has site plan approval and intends to build a pharmacy in that location; interest in subdivision with potential fast food drive through was disclosed during the site plan process; CVS site plan conditioned further review if not fast food restaurant on second lot; use on second lot must meet requirements of zoning ordinance; second lot will probably be sold; and access to the new properties will be similar to current site access.

Commissioners discussed: 1) service availability condition is standard for all projects; 2) unimproved right of way to northeast of property; and 3) the file holds the signed applicant notary public page.

**MOTION: COLEMAN / NORDNES: The Planning Commission shall hereby recommend approval to the City Engineer of the CVS Short Plat, Planning File**

**No. 10-07-13-1, subject to the Conditions of Approval contained in this report.  
Vote: 7 for**

**7. 2014 ZONING ORDINANCE AMENDMENT – MARIJUANA RELATED USES  
PUBLIC HEARING**

Chairman Stevens opened the hearing at 7:08 pm

Karla Boughton, Associate Planner, introduced the amendment to Title 18, a new section of the Zoning Ordinance, 18.90.075, in the Business and Employment section. Amendment results from state Initiative 502; addresses licensing of recreational uses in addition to collective gardens; both uses allowed in Light Industrial zoning district; requires 1,000 feet buffer from specified and defined uses; and establishes development standards and penalties.

Collective gardens were discussed during 2012 zoning code amendments. This is the same proposal which allows collective garden and recreational use under the same requirements and in the same Light Industrial zone. The staff report includes maps showing the area available based on buffering of state identified specified uses. In the North Viking area: in the Poulsbo Urban Growth Area there is no Light Industrial land outside the 1,000 feet buffer; within city limits approximately 25 parcels totaling 43 acres are located outside the 1,000 feet buffer. In the Little Valley and Bond Road Area: approximately 2 acres are located outside the 1,000 feet buffer, currently occupied by the County Road Shop.

City is currently operating under interim zoning regulations effective through August 2014. Interim regulations, approved by the City Council and are not reviewed by the Planning Commission, were put in place for 6 months August 14, 2013 and extended February 5, 2014 for an additional 6 months.

The State of Washington determined there would be 10 at large licenses available for Kitsap County. One application with a city address was submitted to the state. The Bovela Lane address identified is not in the Light Industrial zone, and the city will notify the Liquor Control Board (LCB) that the use is not be permitted if the application is provided to the City for review.

In 2014 the Washington State Attorney General's Office determined that jurisdictions can ban recreational marijuana under I-502, and Washington State Courts have identified jurisdictions can ban collective gardens under Cannabis Action Coalition v. City of Kent.

Ms. Boughton briefly reviewed the city's Type IV application review process and notification outlined in the staff report, and concluded that the proposed Zoning Ordinance amendment would continue to allow the marijuana use in the Light Industrial zone.

Chairman Stevens requested comment from the public.

Susan Ogilvie, indicated she lives in the North Viking area and is concerned for her children and grandchildren who also live in the North Viking area. There are a number of residences in the vicinity and another residential development which will soon be built. This corridor is

the route children walk to access the ball field on Viking. After research she concluded that the use will impact land value negatively. The use requires high security. A realtor indicated an international purchaser interested in marijuana business was considering a property and that she purchased the property. Because of the potential use proximity she has started the review process through the state to provide a day care facility at her home. Ms. Ogilvie concluded stating she believes the state Attorney General has indicated that the use is not required in Poulsbo.

Brian Meyers stated he owns an acre of land in the North Viking area and is proceeding with a permit through the state. Does not want the use conducted around children, including his own, and agrees security is important. He would like the opportunity to provide tax monies and community donations, and the opportunity to have a business in Poulsbo.

Chairman Stevens closed the Public Hearing at 7:25 pm.

### **DISCUSSION:**

Commissioners discussed: 1) Exhibit B email from Kitsap County Department of Health (KCDOH) noting that properties converting to business use will be required to be connected to a sewer system, septic system use will not be allowed; 2) KCDOH reviews all proposals for conversion which are on septic; 3) staff contacted LCB for clarification a) park and ride are not included as a buffered use, and b) permitted but not yet built uses are not included as a buffered use; 4) Transit Center is defined in state law; 5) is marijuana use built before transit center a grandfathered use; 6) licenses have renewal process through LCB and would provide opportunity to review; 7) marijuana business is an opportunity internationally; 8) Tribe has indicated interest; 9) should transit center be buffered now prior to construction under approved site plan; 10) modeled after Liquor License and LCB handling marijuana license then assumption is that marijuana will be handled the same way; 11) appears that no license in Poulsbo under first lottery round; 12) Bovela Lane proposal would go through full licensing process a) state notifying city, b) city will have time to respond that a city business license can not be issued for marijuana license in commercial zone, c) no state license at the Bovela Lane address; 13) business name on Bovela Lane was same name as a site in Kingston; 14) state tax structure does not include retail sales tax to the city, all tax to the state; 15) Legislature did not pass proposal to share tax; 16) required 1,000 feet buffer is from LCB recreational marijuana requirement and city is proposing to apply same buffer to collective garden; 17) purpose of this process and public hearing is to make Council interim regulation permanent and determine standards for the use; 18) business parking is same as other LI uses; 19) roughly half available acreage is vacant in the North Viking area; and 20) no support currently for city to provide collective garden area.

**MOTION: HANSON / COLEMAN: MOVE to recommend approval to the City Council an amendment to the Poulsbo Municipal Code, adding a new chapter 18.90.075 within the Business and Employment Section of the zoning ordinance, entitled Marijuana Related Uses, allowing for such uses to be located in the Light Industrial Zoning District and identifying development standards for their use and siting and direct the Planning Director to prepare**

**findings of fact in support of this decision for the Planning Commission  
Chairman's signature. Vote: 7 for**

**8. COMMENTS FROM CITIZENS - none**

**9. COMMISSIONER COMMENTS**

Whether individuals agree with the state law, it is law. Poulsbo has the right to limit where a use may occur. Poulsbo voters were more conservative than most of state on I-502. It will be interesting to see what happens.

The meeting was adjourned at 7:47 pm

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Ray Stevens  
Chairman, Poulsbo Planning Commission

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 6**

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**Planning Commission Staff Report and Exhibits**

# City of Poulsbo

## Planning and Building Department

200 NE Moe Street, Poulsbo, Washington 98370

Phone (360) 394-9882



To: Poulsbo Planning Commission

From: Karla Boughton, Associate Planner

Date: April 28, 2014

Subject: 2014 Zoning Ordinance Amendment – Marijuana Related Uses

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The Planning Department recommends the Planning Commission offer a recommendation of approval for the proposed zoning ordinance amendments, to continue allowing marijuana related uses to be located in the Light Industrial zoning district and identifying development standards for their use and siting.

### **Recommended Action:**

**MOVE** to recommend (approval) (approval with modifications) (denial) to the City Council an amendment to the Poulsbo Municipal Code, adding a new chapter 18.90.075 within the Business and Employment Section of the zoning ordinance, entitled Marijuana Related Uses, allowing for such uses to be located in the Light Industrial Zoning District and identifying development standards for their use and siting.

**AND** direct the Planning Director to prepare findings of fact in support of this decision for the Planning Commission Chairman's signature.

### CONTENTS:

Page 2	Staff Report
Page 9	Staff Conclusion and Recommendation
Page 10	List of Exhibits

**Staff Report**  
**2014 Zoning Ordinance Amendments – Marijuana Related Uses**

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**I. Background.**

In response to the passage of I-502, amendments to RCW 69.50, and the allowance of medical marijuana collective gardens under RCW 69.51A, the Poulsbo City Council adopted interim zoning regulations on August 14, 2013 (Ordinance 2013-10), to assign zoning districts and regulations for Initiative 502 authorized retailers, producers, processors and medical marijuana collective gardens. Public hearings on the interim regulations before the City Council were held on September 11 and 18, 2013.

The interim zoning regulations outlined in Ordinance 2013-10 were established for six months, and were extended by the City Council on February 5, 2014 after a public hearing, through the adoption of Ordinance 2014-01.

**II. Interim Zoning Regulations Ordinance 2013-10.**

The zoning regulations established in Ordinance 2013-10 sets forth that all marijuana related uses – I-502 (retailers, producers and processors) and collective gardens allowed under RCW 69.51A, shall be located only within the City’s Light Industrial zoning district. I-502 provides for a 1,000 buffer separation between licensed marijuana businesses and designated schools, parks, recreation centers, day cares, parks, transit centers, libraries and arcades. The liquor control board has the final authority in determining the 1,000 buffer separation on each license application. Ordinance 2013-10 also includes other development standards, such as no production, processing or delivery may be made in public, and that a collective garden must be in a permanent structure.

**III. What’s happened since the City adopted its interim zoning controls.**

**A. Liquor Control Board Licensing:**

The application window with the state Liquor Control Board (LCB) for marijuana license applications closed on Friday, December 20, 2013. The LCB does not review submitted marijuana license applications for compliance with local zoning regulations. As part of the liquor control board application process, a business license must also be applied for, and this is one way local governments can review and approve or deny an application. The City received five business license applications for recreational marijuana retailers in late 2013, and they were denied because the location was not in the Light Industrial zoning district. There are two pending applications for producer/processor which are located outside of the city limits; the City will review these licenses when/if they receive a license from the Liquor Control Board.

The Liquor Control Board will send to the City any marijuana licenses it anticipates approving and which will be located within the city limits. The City has 20 days from the date it receives the LCB notification to respond with an approval, objection or no response to the license application. Local jurisdiction notification and review is similar to the LCB process for alcohol licensing. The City has currently not received any notifications from the LCB for approved licenses.

B. Washington State Attorney General Opinion:

On January 16, 2014, the state Attorney General's Office issued a formal opinion concluding that Initiative 502 does not preempt counties, cities, and towns from banning recreational marijuana businesses – producers, processors and retailers – within their jurisdictions. Based upon the AG's opinion, some jurisdictions have banned marijuana related uses within their jurisdiction (e.g. Cities of SeaTac, Wenatchee, Yakima, Richland, Grandview, Mossyrock, Oakdale, and Pierce County).

The following is an excerpt from the opinion:

*“Under Washington law, there is a strong presumption against finding that state law preempts local ordinances. Although Initiative 502 establishes a licensing and regulatory system for marijuana producers, processors, and retailers in Washington State, it includes no clear indication that it was intended to preempt local authority to regulate such businesses. We therefore conclude that I-502 left in place the normal powers of local governments to regulate within their jurisdictions.”*

It is possible that the state legislature may pass a bill which prohibits local jurisdictions from banning recreational marijuana businesses. Such a bill was introduced during the 2014 legislative session, but did not pass. Therefore, at this time, local jurisdictions do have the choice, based upon the AG's opinion, to ban recreational marijuana businesses.

C. Medical Marijuana:

Medical Marijuana is regulated under RCW 69.51A and has remained unchanged under I-502. The provisions under this law do not authorize dispensaries, despite the fact that they may exist and are tolerated in some jurisdictions. The medical marijuana section of state law allows for collective gardens, which allows no more than 10 qualifying patients to participate in a single collective garden, and no more than 15 plants per patient for up to a total of 45 plants.

Poulsbo placed a moratorium on collective gardens for 2011-2012. With the passage of Ordinance 2013-10, collective gardens have been allowed through the interim zoning regulations in the Light Industrial zoning district, the same as the recreational marijuana uses. No applications for collective gardens has been received by the City to date.

During the 2012-2013 zoning ordinance update, the City received testimony regarding the integration of retail sales through collective gardens, a confusion that has been happening statewide. An article posted at Municipal Research Services Center website, explains it as:

*“Our medical marijuana statutes do not even mention the words “dispensary,” “store,” or “sale,” yet some people contend that there is a “right” to set up retail outlets and sell to countless consumers with medical marijuana cards. How did that evolve from the concept of “collective gardens”? (MRSC Insight March 26, 2014 “Our Legislature talks Marijuana, But That’s All”).*

RCW 69.51A does not allow for dispensaries or sales of medical marijuana or cannabis.

During the 2014 legislative session, numerous bills were introduced to address the unregulated medical marijuana market, and how to incorporate it into the regulated market. However, the state legislature did not pass any of these bills.

Many jurisdictions have prohibited collective gardens, through moratoria, interim zoning regulations or permanently adopted zoning regulations. The ability for jurisdictions to prohibit collective gardens was tested in court and upheld in a recent appellate court decision.

On March 31, 2014, the Court of Appeals rules that cities have the authority to ban medical marijuana collective gardens (*Cannabis Action Coalition v. City of Kent*, No. 70396-0-I, Court of Appeals Div. I March 31, 2014). It is possible that the state legislature may pass a bill which prohibits local jurisdictions from banning collective gardens, or other legislation amending medical marijuana statutes; however, at this time, local jurisdictions have the ability to ban collective gardens.

#### IV. **Proposed Amendments to the Zoning Ordinance:**

The zoning ordinance amendments propose a continuation of the interim zoning regulations, and allow I-502 recreational marijuana processors, producers and retail outlets, and RCW 69.51A collective gardens, to be permitted within the City's Light Industrial (LI) zoning district. The *draft amendments are Exhibit A* to this staff report.

In addition to identifying the appropriate zoning district, the proposed amendments include Definitions (Section 18.90.075.B), Limitations (Section 18.90.075.C), Marijuana Related Use Development Standards (Section 18.90.075.D), Compliance with state licensing (Section 18.90.075.E) and Penalties (Section 18.90.075.F).

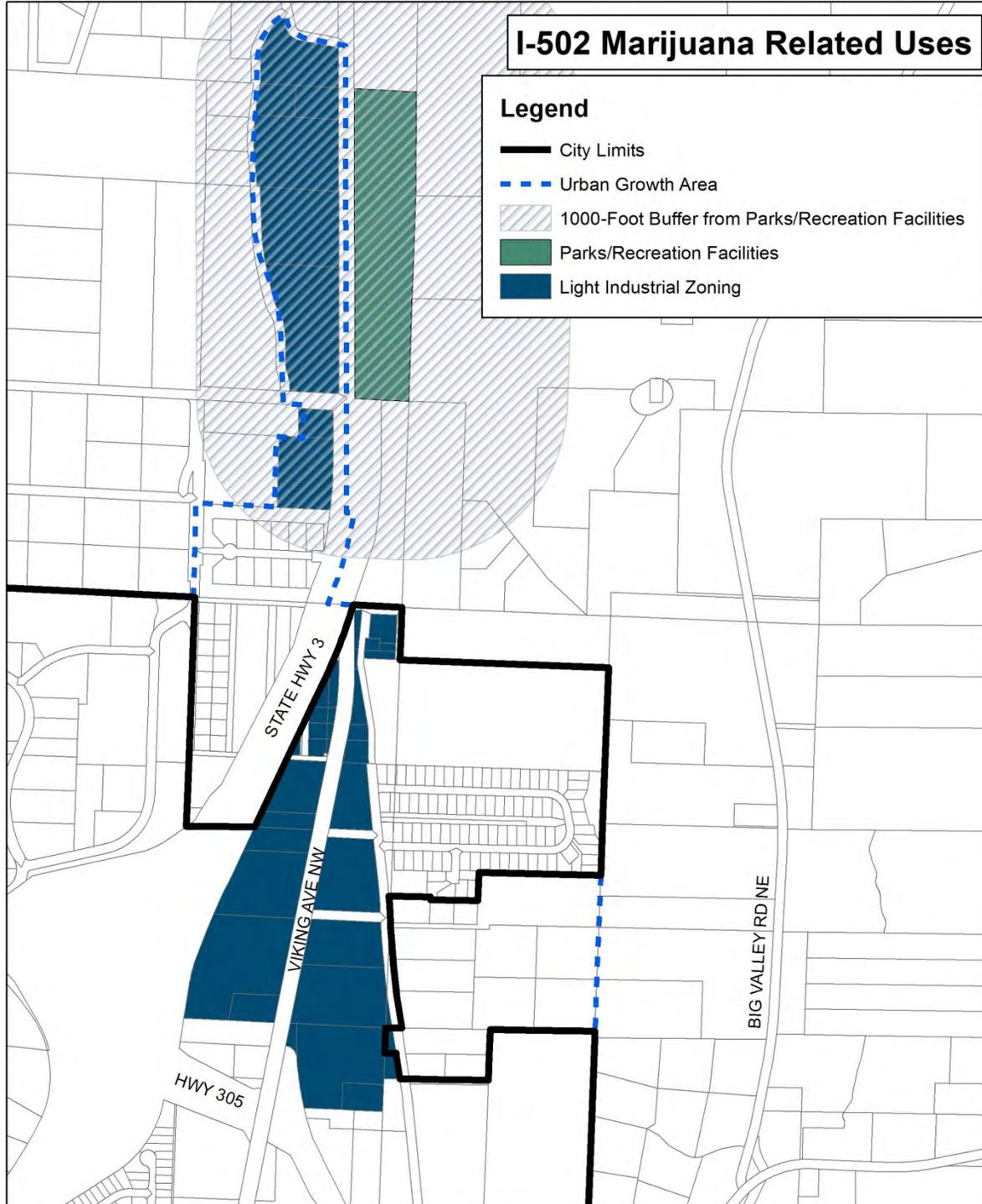
The Liquor Control Board has adopted rules regarding the licensing of recreational marijuana processors, producer and retail outlets. The rules are found in WAC 314-55 and are accessed at <http://apps.leg.wa.gov/wac/default.aspx?cite=314-55>.

Of relevance to the proposed zoning ordinance amendments, is WAC 314-55-050. A LCB licensed business cannot be within 1000' from the perimeter of the grounds of (a) elementary or secondary school; (b) playground; (c) recreation center or facility; (d) child care center; (e) public park; (f) public transit center; (g) library; or (h) any game arcade (where admission is not restricted to persons age 21 or older). The proposed zoning amendment will also apply the 1000' to collective gardens. The measurement is set forth in WAC 314-55-050(10) and is the shortest straight line distance from the proposed marijuana use building/business to the property line of the restricted entity (those listed above). It is the LCB that determines how the 1000' buffer will be applied during the licensing of the recreational marijuana; the City will determine the buffer measurement for collective gardens.

There are two areas of the City that are zoned light industrial that will have available land for siting recreational marijuana and collective garden uses - north Viking Avenue and Little Valley/Bond Road area. The following figures provide two maps for each area, the first applying a 1000' buffer to any existing restricted entities and the second is an aerial of the existing LI zoned property with existing uses.

**Figure 1: North Viking Avenue Light Industrial Zoning w/buffer**

1000' buffer applied to NK Little League Fields  
No other restricted entity currently exists in this area's LI zoning.  
There are 25 unhatched LI zoning parcels totaling 43 acres that are available for marijuana use locations.

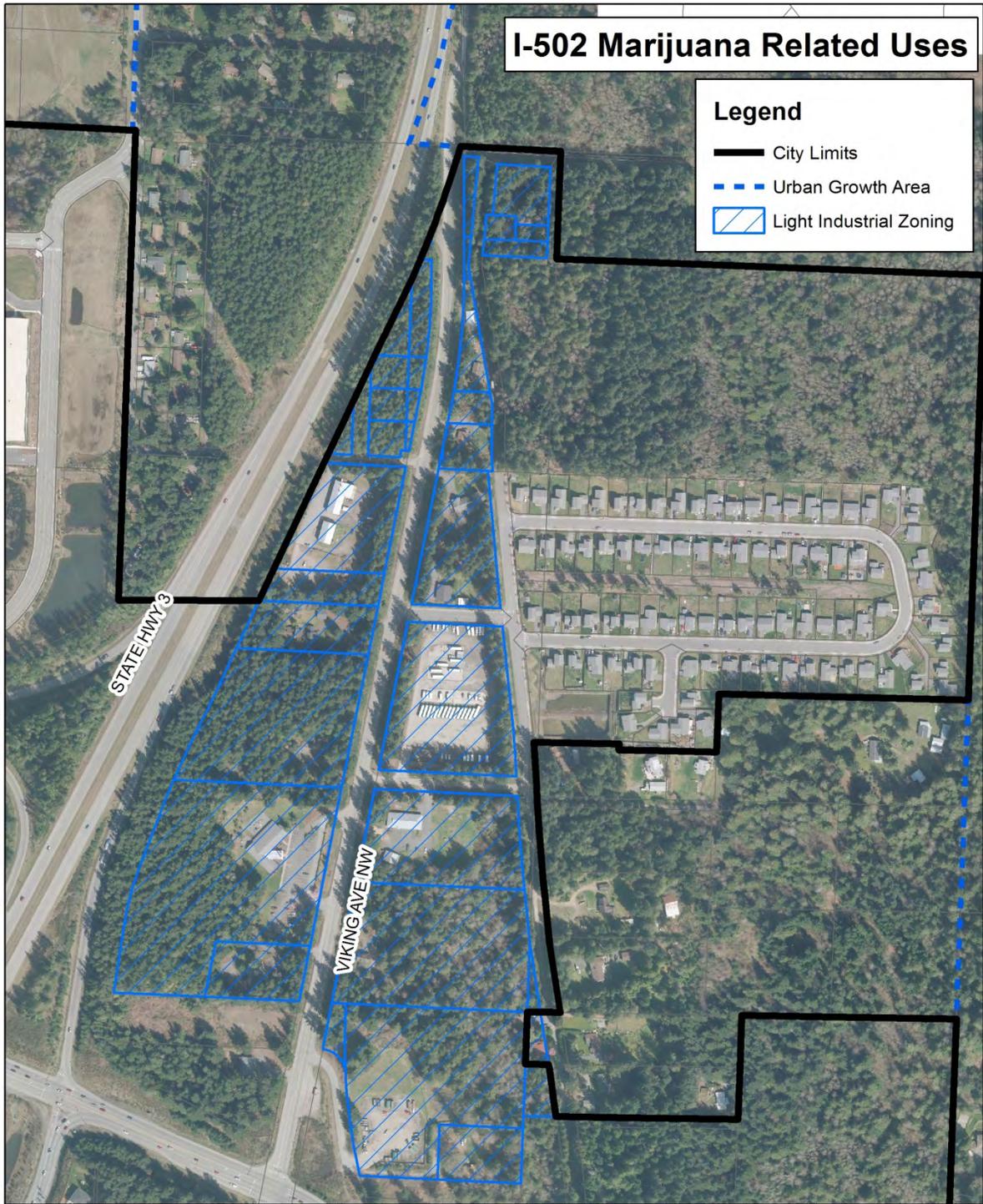


Map by Poulsbo Planning Department GIS 3/24/14



0 500 1,000 2,000 Feet

**Figure 2: North Viking Avenue Light Industrial Zoning Aerial**  
Aerial of development pattern of LI zoned land outside of 1000' buffer.



Map by Poulsbo Planning Department GIS 3/24/14



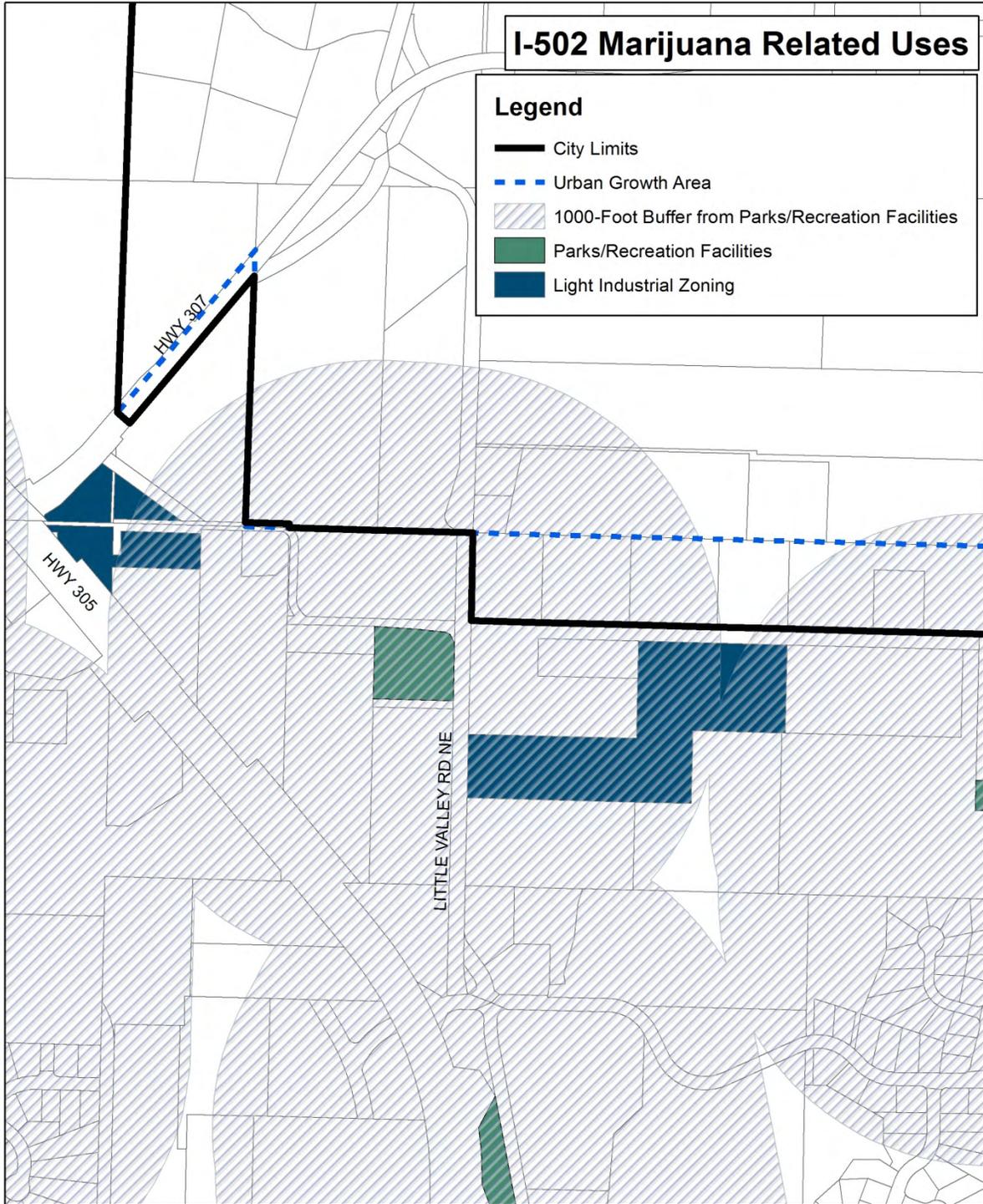
0 200 400 800 Feet

**Figure 3: Little Valley/Bond Road Light Industrial w/buffer**

1000' buffer applied to existing public parks.

No other restricted entity currently exists in this area's LI zoning

Parcels partially encumbered by the 1000' buffer and those unencumbered total approximately 2 acres.

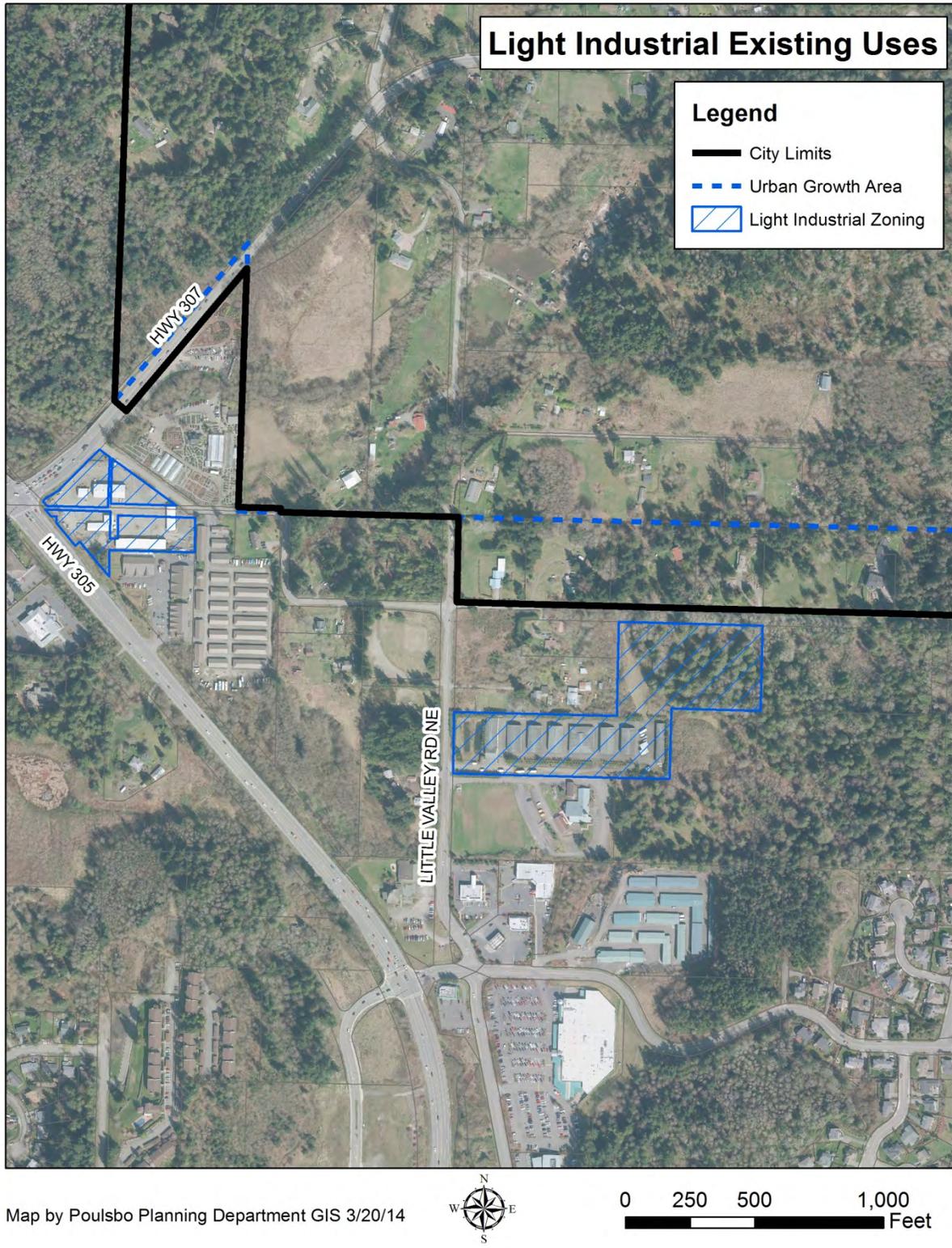


Map by Poulsbo Planning Department GIS 3/24/14



0 250 500 1,000 Feet

**Figure 4: Little Valley/Bond Road Light Industrial Zoning Aerial**  
Aerial of development pattern of LI zoned at Little Valley/Bond Road.



V. **Criteria for Approval:** Pursuant to PMC 18.210.010, in order to grant a Zoning Code text amendment, the following findings must be made:

1. The amendment is consistent with the Comprehensive Plan; and

*Staff Comment: The comprehensive plan does not identify allowing or denying specific uses. However, the comprehensive plan does ensure that development regulations establish appropriate standards for development in each of the City's zoning districts. Further, the voters of Washington and the state legislature have identified marijuana use as an appropriate use; the Liquor Control Board has identified locational and business requirements in WAC 314-55. The proposed zoning ordinance amendments also establish appropriate development standards for the recreational and collective garden marijuana uses.*

2. The amendment supports and/or enhances the public health, safety or welfare; and

*Staff Comment: The proposed amendments provide for the public health, safety and welfare by allowing the marijuana related uses to be located in only the light industrial zoning district. Further, the state buffer standards from the identified restricted entities provides for appropriate locations. The state licensing requirements also addresses many of the public health, safety or welfare concerns. The proposed amendments provide for standards for collective gardens, as well as requiring all marijuana related uses to be located within enclosed structures compliant with building, electrical and fire codes. Finally, the proposed zoning ordinance amendments address and regulates marijuana odor.*

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Poulsbo.

*Staff Comment: The proposed amendments allow for the processing and sale of recreational marijuana that the voters of the state of Washington approved through the passage of Initiative 502, and the collective gardens set forth in RCW 69.51A. Compatibility can be mitigated by the 1000' buffer from the state identified restricted entities, the state licensing requirements, and the proposed development regulations.*

VI. **State Environmental Policy Act.**

An environmental checklist was prepared for the proposed zoning ordinance amendments. A combined Notice of Application with Optional DNS was issued on February 11, 2014, with the comment period for environmental comments ending February 25, 2014. The City received one comment letters in response to the Notice of Application with Optional DNS. The SEPA Determination of Non-Significance was issued April 28, 2014.

VII. **PMC 19.01 Permit Procedures – Type IV Permit.**

Amendments to the Zoning Ordinance are processed as a Type IV permit under the procedures of PMC 19.01. The following are a summary of the procedural highlights:

- Planning Department notified Department of Commerce of proposed development regulations amendment on April 1, 2014.
- Notice of Application with optional DNS issued and published on April 11, 2014.

- Planning Commission Public Hearing Notice was issued and published on April 25, 2014.
- SEPA Threshold Determination of Non-Significance issued on April 28, 2014.
- Staff Report was available on April 28, 2014.
- Planning Commission public hearing scheduled May 13, 2014.
- City Council public hearing scheduled June 11, 2014.

VIII. **Attorney General's Unconstitutional Takings Memo.**

Pursuant to Comprehensive Plan Policy PI-2.4, City staff members are familiar with Washington State Attorney General's "warning signals" for unconstitutional takings of private property. Staff has reviewed the Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings in the context of the 2014 Zoning Ordinance Amendments and has consulted with the City Attorney regarding the warning signals. Staff and the City Attorney are comfortable that the amendments do not result in any unconstitutional taking.

IX. **Planning Department Recommendation.**

The Planning Department recommends the Planning Commission offer a recommendation of approval for the proposed zoning ordinance amendments, to continue allowing marijuana related uses to be located in the Light Industrial zoning district and identifying development standards for their use and location siting.

X. **Exhibits.**

- A. Draft Zoning Ordinance Amendments for Marijuana Related Uses: New Chapter 18.90.075.
- B. Public comment emails received to date (4/28/14).
- C. SEPA determination, environmental checklist, and public noticing affidavits.
- D. Notice of Application w/Optional DNS and public noticing affidavits.
- E. Planning Commission Public Hearing Notice and public noticing affidavits.

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
EXHIBIT A

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**Draft Zoning Ordinance Amendments for Marijuana Related Uses:  
New Chapter 18.90.075**

## Chapter 18.90.075 Marijuana Related Uses

### A. Purpose.

The purpose of requiring standards for marijuana related uses and facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the City. In addition, these provisions are intended to acknowledge a) collective gardens as set forth in RCW 69.51A.085, b) enactment by Washington voters of Initiative 502, and c) state licensing procedure to permit, but only to the extent required by state law, collective gardens, marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the city.

### B. Definitions.

All definitions used in this chapter apply to this chapter only, and except as otherwise revised below, shall have the meanings established pursuant to RCW 60.50.101 and WAC 314-55-010, as the same exist now or as they may later be amended. Select definitions have been included below for ease of reference:

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

“Collective Garden” means any place, area, or garden where qualifying patients engage in the production, processing, and delivery of cannabis for medical use as set forth in chapter 69.51A RCW and subject to the limitations therein.

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

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

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

“Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent (.3%) on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted

therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.

“Marijuana infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term marijuana infused products does not include usable marijuana.

“Marijuana related use” means any use where a marijuana producer, marijuana processor, marijuana retailer, and collective garden are established or proposed.

“Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana into usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana infused products in a retail outlet.

“Perimeter” means a property line that encloses an area.

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

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

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

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

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

“Useable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana infused products.

**C. Limitations on Marijuana Related Use.**

No marijuana processor, marijuana producer, marijuana retailer or collective garden shall locate within 1000 feet of the following businesses and facilities, as measured in the manner in 314-55 WAC or as hereafter amended:

1. Elementary or secondary schools;
2. Playgrounds;
3. Recreation center or facility;
4. Child care centers;
5. Public park;
6. Public transit center;
7. Library; or
8. Game arcade.

**D. Marijuana Related Use Development Standards.**

1. Marijuana producers and marijuana processors shall be allowed in the Light Industrial (LI) zoning district only. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law and this chapter.
2. Marijuana retail outlets shall be allowed in the Light Industrial (LI) zoning district only. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law and this chapter.
  - a. Marijuana retail outlet use within the Light Industrial zoning district may utilize all of building’s gross square footage for retail use.
3. Collective gardens shall be allowed in the Light Industrial (LI) zoning district only.
  - a. Collective gardens must meet all requirements under RCW 69.51A.085, including but not limited to the number of members, number of plants, amount of useable cannabis on site, maintenance of each member’s valid documentation of qualifying patient status.
  - b. A location utilized solely for the purpose of distributing medical marijuana shall not be considered a collective garden and is prohibited.
  - c. Outdoor collective gardens are prohibited and must be within a fully-enclosed and secure structure that complies with but not limited to, the International Building Code, electrical code and fire code.
  - d. No production, processing or delivery of cannabis may be visible to the public.
  - e. Collective gardens must meet the location requirements in 18.90.075.C.

4. No marijuana producer, processor or retail outlet are allowed as a subordinate or accessory use in any land use district.
5. No production, processing or retailing facility shall be established or conducted in a building that includes residential use and/or as mixed use.
6. Recreational marijuana production, processing and retailing operations shall be within a fully-enclosed and secure structure that complies with but not limited to, the International Building Code, electrical code and fire code. No outdoor cultivation is allowed.
7. Signage shall comply with WAC 314-55-155(1) now or as hereafter amended, and the city sign code as applicable.
8. All applicable development regulations and performance standards found in PMC 18.90 shall apply to marijuana uses located in new or redeveloped structures, unless modified by this Chapter.
9. Marijuana use parking shall be as follows:
  - a. Recreational marijuana production, processing operations, and collective gardens shall be 1 space per 500 gsf.
  - b. Recreational marijuana retail outlet shall be 1 space per 300 gsf.
10. Marijuana odor shall be contained within the enclosed structure so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana related use shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

**E. Compliance with state licensing.**

The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Poulsbo is an authorization to circumvent federal law or to provide permission to any person or entity to violate federal law. In addition to collective gardens, only Washington State licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Poulsbo and then only pursuant to a license issued by the State of Washington. Business license issued by the City of Poulsbo is also required.

**F. Penalties.**

In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, but not limited to the provisions of PMC Chapter 1.16.

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
EXHIBIT B

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**Public comment emails received to date (4/28/14)**

## Karla Boughton

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**From:** Keith Grellner [keith.grellner@kitsappublichealth.org]  
**Sent:** Monday, April 14, 2014 9:25 AM  
**To:** City of Poulsbo Planning  
**Subject:** Zoning Ordinance Amendment for Marijuana Related Uses - Comments from Kitsap Public Health District

To Whom It May Concern:

The Kitsap Public Health District would like to take this opportunity to remind the City of Poulsbo and property owners along the north end of Viking Avenue (zoned light industrial and I-502 Marijuana Related Uses) that parcels reliant on septic systems are required to submit a Commercial Building Clearance application to the Health District for review before changing the use of a parcel from residential to commercial, or changing the nature of a commercial use.

Please contact the Health District at 360.337.5235 with any questions.

**Keith Grellner, RS**  
Environmental Health Director  
Kitsap Public Health District  
[kitsappublichealth.org](http://kitsappublichealth.org)  
360-337-5284 Office  
360-475-9284 Fax

## Karla Boughton

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**From:** Anakka Hartwell [hartwellanakka@yahoo.com]  
**Sent:** Friday, April 25, 2014 8:50 AM  
**To:** Karla Boughton; Alexis Quinones; Krystalquinones  
**Subject:** Re: 2014 Zoning Ordinance Amendment Marijuana Related Uses - Poulsbo Planning Commission Public Hearing

Hi Karla and thanks for memos from the email list. After reading this proposed amendment I do plan to speak. I will need 10 min and will have a power point display.

I love Poulsbo and think its the most charming city in the state. We do Poulsboians have an outer image that we portray, but we must be kind and contemporary in our thinking towards each other and towards those that are ill and using cannabis to heal and live. We dont leave our sick out to die.

I look forward to seeing you and the council next week.

With Kindness,  
Anakka

On Friday, April 25, 2014 8:31 AM, Karla Boughton <[kboughton@cityofpoulsbo.com](mailto:kboughton@cityofpoulsbo.com)> wrote:

Hello,

Attached please find the public hearing notice before the Poulsbo Planning Commission for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning code amendments can be found at the following link:  
[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Tuesday, May 13, 2014 beginning at 7 p.m. at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

2014 Zoning Ordinance Amendments  
Marijuana Related Use  
EXHIBIT C

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**SEPA determination, environmental checklist, and public noticing affidavits**

**CITY OF POULSBO**  
**DETERMINATION OF NONSIGNIFICANCE (DNS)**  
**WAC 197-11-970**

**Planning File:** 2014 Zoning Ordinance Amendment – Marijuana Related Uses

**Description of proposal:**

The proposed amendment is a text amendment to the City’s Zoning Ordinance (Title 18) to amend Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 entitled “Marijuana Related Uses.” This new section is being established to address the passage of I-502 and the licensing of recreational marijuana through the provisions of WAC 314-55, and the allowance of medical marijuana collective gardens as set forth by RCW 69.51A.085.

Specifically, the proposed amendments set forth: 1) that the zoning district for recreational marijuana related uses and collective gardens is the Light Industrial zoning district; 2) identifies the buffer requirements of WAC 314-55 and applies them to collective gardens as well; 3) establishes development standards for marijuana related uses; 4) requires compliance with state licensing; and 5) establishes penalties.

The 2014 Zoning Ordinance Amendment – Marijuana Related Uses documents can be found on the City’s webpage, [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm).

**Location of Site Specific Proposals:** The zoning ordinance amendment is proposed to be located in Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 Marijuana Related Uses. Marijuana related uses are proposed to be located in the City’s Light Industrial zoning district.

**Lead Agency:** City of Poulsbo

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

**Responsible official:** Barry Berezowsky  
**Position/Title:** Planning Director  
**Address:** City of Poulsbo      **Phone:** (360) 394-9882  
200 NE Moe Street  
Poulsbo, WA 98370

**Date:** April 28, 2014      **Signature:** 

You may appeal this determination in writing to the responsible official listed above no later than 10 working days from the date of this notice. You should be prepared to make specific factual objections. Contact the responsible official to read or ask about the procedure for SEPA appeals.



## City of Poulsbo Environment Checklist

<b>Name of proposed project, if applicable:</b> 2014 Zoning Ordinance Amendment – Marijuana Related Uses		<b>Date Prepared:</b> April 2, 2014
<b>Name of Applicant:</b> City of Poulsbo	<b>Address:</b> 200 NE Moe Street Poulsbo, Washington 98370	<b>Phone Number:</b> (360) 394-9882
<b>Contact:</b> Karla Boughton, Associate Planner	<b>Agency Requesting Checklist:</b> City of Poulsbo	
<b>Proposed timing or schedule (including phasing, if applicable)</b> The Planning Department plans to issue a staff report late April 2014. A Planning Commission hearing is tentatively scheduled for May 13, 2014. Then City Council will review the amendments at a Council hearing, tentatively scheduled for June 11, 2014.		
<b>Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.</b>  It is unlikely that all environmental impacts can be identified and appropriately mitigated as a part of this application, because there isn't a specific development project. The City will utilize the provisions of WAC 197-11-060(5) that provides for Phased Review of SEPA – this provides for a broad environmental review of the zoning ordinance amendments and project-specific environmental review as development proposals are submitted.		
<b>List any environmental information you know about that has been prepared, directly related to this proposal.</b>  The Liquor Control Board prepared an environmental checklist (July 1, 2013) and addendum to the environmental checklist (September 26, 2013), specifically reviewing the proposed rulemaking for WAC 314-55 Marijuana Licenses, Application process, Requirements and Report. Additionally, the Liquor Control Board had a white paper prepared by BOTEK Analysis Corporation entitled "Environmental Risks and Opportunities in Cannabis Cultivation" dated June 28, 2013 and September 7, 2013. A copy of the checklist, addendum and white paper are available at the Poulsbo Planning Department.  Any new or redevelopment that occurs to support allowed marijuana related uses will require environmental review when a land use development permit is submitted to the City, and as applicable pursuant to SEPA rules.		
<b>Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.</b>  All marijuana producers, processors and retail outlets must be licenses by the state of Washington.		
<b>List any government approvals or permits that will be needed for your proposal, if known.</b>  City Council approval and adoption.		

**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.**

The proposed amendment is a text amendment to the City's Zoning Ordinance (Title 18) to amend Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 entitled "Marijuana Related Uses." This new section is being established to address the passage of I-502 and the licensing of recreational marijuana through the provisions of WAC 314-55, and medical marijuana collective gardens as set forth by RCW 69.51A.085. Specifically, the proposed amendments set forth: 1) that the zoning district for recreational marijuana related uses and collective gardens is the Light Industrial zoning district; 2) identifies the buffer requirements of WAC 314-55 and applies them to collective gardens as well; 3) establishes development standards for marijuana related uses; 4) requires compliance with state licensing; and 5) establishes penalties for noncompliance.

**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.**

Poulsbo is located in Township 26 North, Range 1 East, Willamette Meridian and is located in all or portions of Sections 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, and 26.

The parcels within the Light Industrial Zoning District, which is where the marijuana related uses are proposed to be located, are identified on a map included with this checklist as Attachment A.

The proposed amendment does not identify specific development projects and therefore is considered a "nonproject" for SEPA review purposes. All future site specific development projects subject to SEPA will be required to complete its own site specific environmental checklist and SEPA review.

<b>B. Environmental Elements</b>		<b>Agree</b>	<b>Disagree</b>	<b>Mitigate</b>
<b>1. Earth</b>				
<b>a.</b>	<p><b>General description of the site (check one):</b>  <input checked="" type="checkbox"/> flat, <input type="checkbox"/> rolling, <input checked="" type="checkbox"/> hilly, <input type="checkbox"/> steep, <input checked="" type="checkbox"/> slopes,  <input type="checkbox"/> mountainous, <input type="checkbox"/> other.</p> <p>Poulsbo's topography varies throughout the city, from flat to areas of steep slopes.</p> <p>Actual development will be subject to additional SEPA review. Environmental review and a threshold determination will be required at the time of development review. Site specific development impacts are not identified at this time.</p>	✓		
<b>b.</b>	<p><b>What is the steepest slope on the site (approximate percent slope)?</b></p> <p>There are areas within the city limits with slopes exceeding 40 percent, and potential geohazard areas are mapped on the City's critical areas maps (see Figure NE-3). At the time of a development</p>	✓		

	proposal, additional information on slopes will be required. Future development will require additional environmental review.			
c.	<p><b>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.</b></p> <p>According to the Kitsap County Soil Survey, the soils within the city limits is predominately classified as Poulsbo Gravelly sandy loam, with areas of Kapowsin gravelly loam and Sinclair soils.</p> <p>No development is proposed at this time, therefore site specific development impacts are not identified. Future development will be subject to phased SEPA review.</p>	✓ ✓		
d.	<p><b>Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</b></p> <p>Geohazards are mapped in the City's critical areas maps and unstable soils/slopes are regulated by the City's Critical Areas Ordinance.</p> <p>No development is proposed at this time. Review of soil conditions will occur at the time specific proposals move forward.</p>	✓ ✓		
e.	<p><b>Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</b></p> <p>This is not applicable to this non-project action.</p>	✓		
f.	<p><b>Could erosion occur as a result of clearing, construction or use? If so, generally describe.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Erosion control would be addressed through existing City ordinances, including the clearing and grading and critical areas regulations.</p>	✓		
g.	<p><b>About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</b></p> <p>Unknown at this time. The proposed amendments do not increase impervious surfaces; however the zoning ordinance does include development standards for building lot coverage and landscaping requirements.</p>	✓		

h.	<p><b>Proposed measures to reduce or control erosion, or other impacts to the earth, if any.</b></p> <p>Landscaping is required for 20% of the site for new development in the LI zoning district. Site specific projects will be subject to regulations and requirements for erosion control.</p>	✓		
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<b>2. Air</b>				
a.	<p><b>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.</b></p> <p>Odor may occur from the growing and processing of marijuana. The exact type and quantities are not known at this time. Determination will be made at the time specific proposal.</p>	✓		
b.	<p><b>Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.</b></p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p><b>Proposed measures to reduce or control emissions or other impacts to air, if any.</b></p> <p>The draft zoning amendments require that all marijuana related uses shall be with enclosed structures meeting all building codes. The draft amendment also includes a provision requiring that marijuana odor shall be contained within the enclosed structure (18.90.075.D.10).</p>	✓		

<b>3. Water</b>				
<b>a. Surface:</b>				
1)	<p><b>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.</b></p> <p>Poulsbo's main surface water body is Liberty Bay; there are numerous streams and wetlands throughout the city limits. There is no development proposed at this time; future development will require additional environmental review.</p>	✓		

	<p>2) <b>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.</b></p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>3) <b>Estimate the amount of fill and dredge 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.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>4) <b>Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>5) <b>Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</b></p> <p>No development is proposed with these comprehensive plan amendment requests. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>6) <b>Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</b></p> <p>The white paper prepared by BOTEK Analysis Corporation identified that water runoff and fertilizer runoff for outdoor cultivation of crops could occur.</p>			<p>✓ all grading required to be indoors</p>

<b>b. Ground:</b>				
	<p>1) <b>Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

2)	<p><b>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.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>c. Water Runoff (including storm water):</b>				
1)	<p><b>Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</b></p> <p>Future development will lead to stormwater runoff, which will be reviewed and required to meet City and State regulations for stormwater management. Determination will be made at the time specific proposals move forward.</p>	✓		
2)	<p><b>Could waste materials enter ground or surface waters? If so, generally describe.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</b>				
	<p>The draft zoning amendments require that all growing and processing of marijuana or medical marijuana shall be with enclosed structures. Compliance with state and City stormwater management requirements will be required as well.</p>	✓		
<b>4. Plants</b>				
<b>a. Check types of vegetation found on the site:</b>				
	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other</li> <li><input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other</li> <li><input checked="" type="checkbox"/> Shrubs</li> <li><input checked="" type="checkbox"/> Grass</li> <li><input checked="" type="checkbox"/> Pasture</li> <li><input type="checkbox"/> Crop or grain</li> <li><input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other</li> <li><input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other</li> </ul>			

<input type="checkbox"/> <b>Other types of vegetation</b> This is not applicable to this non-project action. No development is proposed at this time. The existing vegetation for sites will be determined at the time of development review.	✓		
<b>b. What kind and amount of vegetation will be removed or altered?</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>c. List threatened or endangered species known to be on or near the site.</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.	✓		
<b>5. Animals</b>			
<b>a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:</b> <input checked="" type="checkbox"/> <b>Birds: hawk, heron, eagle, songbirds, other:</b> <input checked="" type="checkbox"/> <b>Mammals: deer, bear, elk, beaver, other:</b> <input checked="" type="checkbox"/> <b>Fish: bass, salmon, trout, herring, shellfish, other:</b> There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.	✓		
<b>b. List any threatened or endangered species known to be on or near the site.</b> Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance. See Comprehensive Plan Map Figure NE-5. No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific development.	✓		

c.	<p><b>Is the site part of a migration route? If so, explain.</b></p> <p>Liberty Bay and adjacent streams are known to contain anadromous salmonids. The City is located within the Pacific Flyway -- a flight corridor for migrating waterfowl and other birds -- that extends from Alaska to Mexico and South America.</p>	✓		
d.	<p><b>Proposed measures to preserve or enhance wildlife, if any.</b></p> <p>White paper prepared by BOTEC Analysis Corporation identified that pest control or plant disease poisons used for outside marijuana cultivation have been linked to fisher deaths, and may affect owls, martens and foxes. The proposed amendments require that all cultivation to occur with enclosed structures.</p>			✓ all growing required to be indoors

### 6. Energy and Natural Resources

a.	<p><b>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.</b></p> <p>Energy consumption for indoor and greenhouse growing will be the main energy need for marijuana cultivation and processing.</p> <p>Electric energy is available city-wide and natural gas is available in specific locations in the city limits.</p>	✓ ✓		
b.	<p><b>Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p><b>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.</b></p> <p>Future development will meet the current energy code as identified in the International Building Code.</p>	✓		

### 7. Environmental Health

a.	<p><b>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.</b></p> <p>The white paper prepared by BOTEC Analysis Corporation identified that pesticides, herbicides and fungicides are commonly used for outdoor marijuana cultivation.</p>			✓ all growing required to be indoors
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	<p><b>1) Describe special emergency services that might be required.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p><b>2) Proposed measures to reduce or control environmental health hazards, if any.</b></p> <p>The Liquor Control Board has established restrictions for the pesticides types and amounts for outdoor cultivation. The proposed zoning amendments require that all cultivation occur within enclosed structures.</p>	✓		

<b>b. Noise</b>				
	<p><b>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</b></p> <p>The city has a typical level of noise expected in an urban environment.</p>	✓		
	<p><b>2) What types of 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.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p><b>3) Proposed measures to reduce or control noise impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Construction noise is regulated in the Poulsbo Municipal Code.</p>	✓		

<b>8. Land and Shoreline Use</b>				
	<p><b>a. What is the current use of the site and adjacent properties?</b></p> <p>The current uses of the City's light industrially zoned property vary, and include vacant lots, light industrial, single family residences, churches, offices, warehouses, public facilities and utilities.</p>	✓		
	<p><b>b. Has the site been used for agriculture? If so, describe.</b></p>			

	This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>c.</b>	<b>Describe any structures on the site.</b>  No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>d.</b>	<b>Will any structures be demolished? If so, what?</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>e.</b>	<b>What is the current zoning classification of the site?</b>  The proposed zoning ordinance amendments are establishing marijuana related uses to be located in the Light Industrial zoning district.	✓		
<b>f.</b>	<b>What is the current comprehensive plan designation of the site?</b>  The proposed zoning ordinance amendment is establishing marijuana related uses to be located in the Light Industrial comprehensive plan land use designation.	✓		
<b>g.</b>	<b>If applicable, what is the current shoreline master program designation of the site?</b>  Determination of shoreline designation and applicable review requirements will be made at the time specific proposals move forward. Although most light industrial zoned areas are not located along the shoreline.	✓		
<b>h.</b>	<b>Has any part of the site been classified as "environmentally sensitive area? If so, specify.</b>  The actual development of the specific sites will be subject to additional development review, and would be subject to environmental review. Site specific development impacts are not identified at this time. Identification of environmentally sensitive areas will be made based on the City's Critical Area Ordinances maps and site specific environmental information prepared during the development review process.	✓		
<b>i.</b>	<b>Approximately how many people would reside or work in the completed project?</b>  This is not applicable to this non-project action. No development is			

	proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
j.	<b>Approximately how many people would the completed project displace?</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
k.	<b>Proposed measures to avoid or reduce displacement impacts, if any.</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
l.	<b>Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.</b>  No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.	✓		
<b>9. Housing</b>				
a.	<b>Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.</b>  None. This is a non-project action.	✓		
b.	<b>Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.</b>  None. This is a non-project action.	✓		
c.	<b>Proposed measures to reduce or control housing impacts, if any.</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>10. Aesthetics</b>				
a.	<b>What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		

b.	<p><b>What views in the immediate vicinity would be altered or obstructed?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p><b>Proposed measures to reduce or control aesthetic impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>While site specific development impacts are not identified at this time, building height and design review requirements are set forth in Poulsbo's zoning ordinance.</p>	✓		
<b>11. Light and Glare</b>				
a.	<p><b>What type of light or glare will the proposal produce? What time of day would it mainly occur?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
b.	<p><b>Could light or glare from the finished project be a safety hazard or interfere with views?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p><b>What existing off-site sources of light or glare may affect your proposal?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
d.	<p><b>Proposed measures to reduce or control light and glare impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>While site specific impacts are not identified at this time, the City's zoning ordinance contains lighting requirements. Additional</p>	✓		

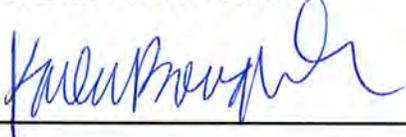
	environmental review will be required as sites are proposed for development.			
<b>12. Recreation</b>				
a.	<b>What designated and informal recreational opportunities are in the immediate vicinity?</b>  Poulsbo has a variety of public parks and recreation opportunities throughout the city.	✓		
b.	<b>Would the proposed project displace any existing recreational uses? If so, describe.</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
c.	<b>Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.</b>  The Liquor Control Board established buffers in which marijuana related uses must be located more than 1000' from public parks and recreation facilities.	✓		
<b>13. Historic and Cultural Preservation</b>				
a.	<b>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.</b>  Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development.	✓		
b.	<b>Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.</b>  Unknown at this time.	✓		
c.	<b>Proposed measures to reduce or control impacts, if any.</b>  If at the time of site specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.	✓		
<b>14. Transportation</b>				
a.	<b>Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show</b>			

	<p><b>on site plans, if any.</b></p> <p>Major streets and highways in Poulsbo include Highway 3, 305, State Route 307, Viking Avenue, Finn Hill, Front Street, Fjord Drive, Hostmark, Caldart, and Lincoln.</p>	✓		
b.	<p><b>Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop.</b></p> <p>Kitsap Transit provides public transit throughout the city.</p>	✓		
c.	<p><b>How many parking spaces would the completed project have? How many would the project eliminate?</b></p> <p>The proposed zoning amendments establishes that parking requirements for marijuana related uses as:  1 parking space per 500 gross square feet for recreational marijuana production, processing operations and collective gardens.   1 parking space per 300 gross square feet for recreational marijuana retail outlet.</p>	✓		
d.	<p><b>Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
e.	<p><b>Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</b></p> <p>No.</p>	✓		
f.	<p><b>How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
g.	<p><b>Proposed measures to reduce or control transportation impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

	At the time of development review, projects will be reviewed for traffic impacts and appropriate mitigation will be imposed.	✓		
<b>15. Public Services</b>				
a.	<b>Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)? If so, generally describe.</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
b.	<b>Proposed measures to reduce or control direct impacts on public services, if any.</b>  This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<b>16. Utilities</b>				
a.	<b>Check the utilities currently available at the site:</b> <input checked="" type="checkbox"/> electric, <input checked="" type="checkbox"/> natural gas, <input checked="" type="checkbox"/> water, <input checked="" type="checkbox"/> refuse service, <input checked="" type="checkbox"/> telephone, <input checked="" type="checkbox"/> sanitary sewer, <input type="checkbox"/> septic system, <input type="checkbox"/> other.  Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.	✓		
b.	<b>Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.</b>  City water, sewer and stormwater utilities will be necessary for new construction or utilizing existing structures.	✓		

**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:  Date Submitted: 4/7/2014

Reviewed by:  
*Teri Weaver*  
 Assoc. Planner  
*Teri Weaver*  
 4/8/14

**D. Supplemental Sheet For Non-Project 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, that 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 substance; or production of noise?**

As a non-project action, zoning ordinance amendment approval would not create any of these effects. All development and uses will be subject to all applicable local, state and federal regulatory requirements and will be reviewed on a case-by-case basis during the development review process. Projects resulting from the amendments to the comprehensive plan may require further review under SEPA.

**Proposed measures to avoid or reduce such increases are:**

No measures are proposed with the zoning ordinance amendments. However, measures will be identified as necessary during the development permit and environmental process for specific projects. Compliance with city regulations and other appropriate mitigations would reduce increases.

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

As a non-project action, approval of zoning ordinance amendments would not directly affect plants, animals, fish or marine life. Future projects may require further review under SEPA.

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

The City's Critical Areas ordinance provides regulatory protective measures to protect and conserve vegetation and wildlife habitat. Additional measures may be identified during the development permit and environmental review process for specific projects.

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

As a non-project action, approval of zoning ordinance amendments would not deplete energy or natural resources. Future projects may require further environmental review at the time of development application.

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

Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.

4.	<p><b>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?</b></p> <p>No development is proposed with the zoning ordinance amendments. There will not be negative effects to environmentally sensitive areas designated or under study for protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands. Future projects may require further environmental review at the time of development application.</p> <p><b>Proposed measures to protect such resources or to avoid or reduce impacts are:</b></p> <p>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.</p>
5.	<p><b>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?</b></p> <p>Projects resulting from the zoning ordinance amendments will require further review at the time of development application.</p> <p><b>Proposed measures to avoid or reduce shoreline and land use impacts are:</b></p> <p>All development applications will be subject to further review under SEPA, the city's zoning code and the Shoreline Master Program where appropriate.</p>
6.	<p><b>How would the proposal be likely to increase demands on transportation or public services and utilities?</b></p> <p>No development is proposed with the zoning ordinance amendment requests. However, future developments on the subject sites may have increased demands, which would be identified during the specific project development review. Projects resulting from amendments may require further review under SEPA which will be accomplished as required under WAC 197-11 and the Poulsbo Municipal Code.</p> <p><b>Proposed measures to reduce or respond to such demand(s) are:</b></p> <p>Measures to reduce impacts on transportation, public services and utilities would be identified during project specific development review. Compliance with city regulations and other appropriate mitigations could provide the appropriate measures to reduce impacts.</p>
7.	<p><b>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</b></p> <p>The proposed amendments do not conflict with any local, state or federal laws or requirements for the protection of the environment. All future development proposals would be required to follow all applicable regulations regarding the protection of the environment.</p>



# AFFIDAVIT OF MAILING

STATE OF WASHINGTON) ) SS.  
COUNTY OF KITSAP ) )

The undersigned, being first duly sworn, on oath states: That on 4/28, 2014, affiant caused to be deposited in the mails

of the United States of America a properly stamped and addressed

envelope and/or an e-mail to the e-mail address directed to 2014 Zoning Ord. Amends. Marijuana Related Uses  
SEPA Determination Email Dist. list containing a copy of the

document to which this affidavit is attached,

[Signature]

Subscribed and sworn to before me this 28<sup>th</sup> day of April, 2014.



[Signature]  
NOTARY PUBLIC in and for the  
State of Washington, residing at:

Poulsbo  
My Commission expires on:

3.13.15

## Karla Boughton

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**From:** City of Poulsbo Planning  
**Sent:** Monday, April 28, 2014 10:19 AM  
**To:** City of Poulsbo Planning  
**Subject:** 2014 Zoning Ordinance Amendment Marijuana Related Uses - Issuance of SEPA Determination  
**Attachments:** SEPA DNS\_2014 Zoning Ordinance Amendments Marijuana Related Uses.pdf

Hello,  
Attached please find the City of Poulsbo's SEPA Threshold Determination for its 2014 Zoning Ordinance Amendment on Marijuana Related uses. The environmental checklist was circulated with the Notice of Application with Optional DNS process, which was issued April 11, 2014.

Regards,

Poulsbo Planning  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

**Karla Boughton**

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Washington State Office of the Attorney General-Ecology	sepacenter@dnr.wa.gov
WSDOT Olympic Region SEPA	ecyolyef@atg.wa.gov
	OR-SEPA-REVIEW@wsdot.wa.gov

2014 Zoning Ordinance Amendments  
Marijuana Related Use  
EXHIBIT D

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**Notice of Application w/Optional DNS and public noticing affidavits.**

# CITY OF POULSBO

## NOTICE OF APPLICATION and Optional DNS

RCW 36.70B.110

### Zoning Ordinance Amendment Type IV Permit

*This notice is intended to inform interested parties about the proposed amendments to the City's Zoning Ordinance, the public hearings on the submitted amendment and to invite such parties to appear in person and testify or by written statement.*

**Planning File Number:** 2014 Zoning Ordinance Amendment - Marijuana Related Uses.

**Date of Application:** April 1, 2014

#### **Summary of Proposed Amendment:**

The proposed amendment is a text amendment to the City's Zoning Ordinance (Title 18) to amend Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 entitled "Marijuana Related Uses." This new section is being established to address the passage of I-502 and the licensing of recreational marijuana through the provisions of WAC 314-55, and the allowance of medical marijuana collective gardens as set forth by RCW 69.51A.085. Specifically, the proposed amendments set forth: 1) that the zoning district for recreational marijuana related uses and collective gardens is the Light Industrial zoning district; 2) identifies the buffer requirements of WAC 314-55 and applies them to collective gardens as well; 3) establishes development standards for marijuana related uses; 4) requires compliance with state licensing; and 5) establishes penalties.

#### **Environmental Review:**

The City of Poulsbo has reviewed the proposed amendments for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for the proposed amendments. The Optional DNS process is being used as authorized by WAC 197-11-355 and the Poulsbo Municipal Code 16.04.115. This may be the only opportunity to comment on the environmental impacts of the proposals. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposed amendments 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 related to environmental review must be submitted by the date noted below to Poulsbo Planning Department, 200 NE Moe Street, Poulsbo, Washington 98370.

**Location of Applications:** The zoning ordinance amendment is proposed to be located in Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 Marijuana Related Uses. Marijuana related uses is proposed to be located in the City's Light Industrial zoning district.

#### **Public Comment Period for Environmental Review Related Comments:**

The public may comment on environmental related aspects of the applications and the applications and the comment period will remain open until **April 25, 2014**. The public may request notification of any hearings or meetings and request a copy of the decision once made.





# AFFIDAVIT OF MAILING

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF KITSAP )

The undersigned, being first duly sworn, on oath states: That on April 11, 2014, affiant caused to be deposited in the mails of the United States of America a properly stamped and addressed envelope and/or an e-mail to the e-mail address directed to April 2014 Zoning Ord Amendment - Marijuana Related Uses NOA containing a copy of the document to which this affidavit is attached.

Karla Brough

Subscribed and sworn to before me this 11th day of April, 2014.



Cheryln J. Haley  
NOTARY PUBLIC in and for the  
State of Washington, residing at:

Poulsbo  
My Commission expires on:  
3.13.15

## Karla Boughton

---

**From:** City of Poulsbo Planning  
**Sent:** Friday, April 11, 2014 9:39 AM  
**Subject:** City of Poulsbo Zoning Ordinance Amendment - to include provisions for marijuana related uses  
**Attachments:** NOA\_opt\_DNS.pdf; Marijuana related uses env\_checklist with maps.pdf; Draft Marijuana Related Uses.pdf

Hello,

The City of Poulsbo has initiated an amendment to its zoning ordinance to include provisions to allow marijuana related uses acknowledging the enactment of Initiative 502 and collective gardens set forth in RCW 69.51A.085. Attached please find the Notice of Application with Optional DNS, a completed environmental checklist, and the draft zoning ordinance amendment language.

Public hearings have been tentatively scheduled for May 13, 2014 before the Poulsbo Planning Commission and June 11, 2014 before the Poulsbo City Council. Additional notices will be issued closer to those dates.

The City has established a website where all information is posted and will be keep up to date. Please visit [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm) for further information and with public comment methods.

Thank you for your interest in Poulsbo.

Karla Boughton  
City of Poulsbo  
Associate Planner  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

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**Karla Boughton**

---

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Washington State Department of Natural Resources	sepacenter@dnr.wa.gov
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**Karla Boughton**

---

**Distribution List Name:** Notice of SEPA Threshold Determination E-mail List

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WSDOT Olympic Region SEPA	ecyolyef@atg.wa.gov
	OR-SEPA-REVIEW@wsdot.wa.gov

## Karla Boughton

---

**From:** Karla Boughton  
**Sent:** Friday, April 11, 2014 8:44 AM  
**To:** City of Poulsbo Planning  
**Subject:** City of Poulsbo Zoning Ordinance Amendment - to include provisions for marijuana related uses  
**Attachments:** NOA\_opt\_DNS.pdf; Marijuana related uses env\_checklist with maps.pdf; Draft Marijuana Related Uses.pdf

Hello,  
The City of Poulsbo has initiated an amendment to its zoning ordinance to include provisions to allow marijuana related uses through I-502. Attached please find the Notice of Application with Optional DNS, a completed environmental checklist, and the draft zoning ordinance amendment language.

Public hearings have been tentatively scheduled for May 13, 2014 before the Poulsbo Planning Commission and June 11, 2014 before the Poulsbo City Council. Additional notices will be issued closer to those dates.

The City has established a website where all information is posted and will be keep up to date. Please visit [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm) for further information and with public comment methods.

Thank you for your interest in Poulsbo.

Karla Boughton  
City of Poulsbo  
Associate Planner  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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Medical or Recreational Marijuana Email Inquiries List (Emailed since passage of 1-502):

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Paul Ogilvie [paulogilvieconstruction@hotmail.com](mailto:paulogilvieconstruction@hotmail.com)

2014 Zoning Ordinance Amendments  
Marijuana Related Use  
EXHIBIT E

---

**Planning Commission Public Hearing Notice and public noticing affidavits.**

**CITY OF POULSBO  
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING**

**2014 Zoning Ordinance Amendment - Marijuana Related Uses**

**Hearing Date: May 13, 2014**

**Time:** The hearing is scheduled to begin at 7:00 pm.

**Place:** Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA.

**To:** Citizens of Poulsbo and other interested persons, agencies, and parties of record.

**Subject:** 2014 Zoning Ordinance Amendment - Marijuana Related Uses.

**Summary of the Proposed Applications:**

The proposed amendment is a text amendment to the City's Zoning Ordinance (Title 18) to amend Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 entitled "Marijuana Related Uses." This new section is being established to address the passage of I-502 and the licensing of recreational marijuana through the provisions of WAC 314-55, and the allowance of medical marijuana collective gardens as set forth by RCW 69.51A.085. Specifically, the proposed amendments set forth: 1) that the zoning district for recreational marijuana related uses and collective gardens is the Light Industrial zoning district; 2) identifies the buffer requirements of WAC 314-55 and applies them to collective gardens as well; 3) establishes development standards for marijuana related uses; 4) requires compliance with state licensing; and 5) establishes penalties.

**Public Comment Methods:**

Comments may be provided to the City at any time during the zoning ordinance amendment process. Written comments received by the City will be forwarded to the recommendation and decision making bodies for consideration and made part of the record. Send written comments to City of Poulsbo Planning Department, 200 NE Moe Street, Poulsbo, Washington 98370, or fax them to (360) 697-8269. In addition to receiving comments through regular postal mailing and fax, comments may be sent to [planninginfo@cityofpoulsbo.com](mailto:planninginfo@cityofpoulsbo.com). To ensure consideration, all written comments must be received by the City prior to close of the zoning ordinance amendment public hearings. Verbal comments will be taken at the Planning Commission and City Council public hearings.

**Public Participation Plan:** The Public and Agency Participation Plan for the 2014 Zoning Ordinance Amendment – Marijuana Related Uses is available on the City's website [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm) and at the Planning Department.

**Hearing Information:** The Planning Commission public hearing on the applications is scheduled for May 13, 2014. The City Council public hearing on the applications is tentatively

scheduled for June 11, 2014. The Planning Commission will make recommendations to the City Council. City Council is the review and decision making authority for these amendments. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

**Additional Information:** The staff report will be available 15 calendar days before the scheduled hearing. Information on the zoning ordinance amendment, including the staff report, is on the City's website at [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm) and at the Planning Department. The files are available for review at the Planning Department between 8:30 am and 4:30 pm. Hard copies can be provided at a reasonable cost.

**Planning Staff Contact:** Karla Boughton, City of Poulsbo Planning Department  
200 NE Moe Street, Poulsbo, WA 98370  
Phone: (360) 394-9882 Fax: (360) 697-8269  
E-mail: [kboughton@cityofpoulsbo.com](mailto:kboughton@cityofpoulsbo.com)

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

**THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9882 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.**





# AFFIDAVIT OF MAILING

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF KITSAP )

The undersigned, being first duly sworn, on oath states: That on 4/25, 2014, affiant caused to be deposited in the mails

of the United States of America a properly stamped and addressed

envelope and/or an e-mail to the e-mail address directed to 2014 Zoning Ord. Amends. Marijuana related uses  
Planning Commission Public Hg. Notice containing a copy of the

document to which this affidavit is attached.

[Signature]

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2014.



[Signature]  
NOTARY PUBLIC in and for the  
State of Washington, residing at:

Poulsbo  
My Commission expires on:

3.13.15

**Karla Boughton**

---

**From:** Karla Boughton  
**Sent:** Friday, April 25, 2014 8:31 AM  
**To:** City of Poulsbo Planning  
**Subject:** 2014 Zoning Ordinance Amendment Marijuana Related Uses - Poulsbo Planning Commission Public Hearing  
**Attachments:** PC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo Planning Commission for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning code amendments can be found at the following link: [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Tuesday, May 13, 2014 beginning at 7 p.m. at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

**Distribution List Name:** 2011-2013 Zoning Code Update list

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**Karla Boughton**

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**Distribution List Name:** Notice of Comprehensive Plan & Regulations Update E-mail List

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## Karla Boughton

---

**From:** Karla Boughton  
**Sent:** Friday, April 25, 2014 8:36 AM  
**To:** 'Bob Nordness (bobamy6775@comcast.net)'; 'Gordon Hanson (gsshanson@aol.com)'; 'James Coleman (spiritwithin1@clearwire.net)'; 'James Thayer (jandjthayer@comcast.net)'; 'Kate Nunes (Kate.nunes@comcast.net)'; 'Ray Stevens (rstevens@schultzmiller.com)'; 'Shane Skelley'  
**Cc:** Edie Berghoff; Helen M. Wytko; Barry A. Berezowsky  
**Subject:** Poulsbo Planning Commission Public Hearing - 2014 Zoning Ordinance Amendment Marijuana Related Uses  
**Attachments:** PC Public Hearing Notice.pdf

Hello Planning Commissioners,

A public hearing has been scheduled before the Planning Commission on May 13, 2014 at 7 p.m. to consider amendments to the Poulsbo Zoning Ordinance regulating marijuana related uses (I-502 and medical marijuana). A staff report will be forth coming next week for your review. You may also review the City's website which has all information generated to date on the proposed amendments at [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm).

Thank you and see you on the 13<sup>th</sup>.

Karla Boughton  
City of Poulsbo  
Associate Planner  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

**From:** Karla Boughton  
**Sent:** Friday, April 25, 2014 9:13 AM  
**To:** Council Members  
**Cc:** Barry A. Berezowsky; Kylie Purves; Planning Dept; Becky Erickson  
**Subject:** Planning Commission Public Hearing Notice - 2014 Zoning Ordinance Amendment Marijuana Related Uses  
**Attachments:** PC Public Hearing Notice.pdf

Good Morning,

Attached please find the public hearing notice before the Poulsbo Planning Commission for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. The Planning Commission public hearing is scheduled for Tuesday, May 13, 2014 beginning at 7 p.m.

All information to date regarding the proposed zoning code amendments can be found at the following link:  
[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

At this time, the City Council public hearing is tentatively scheduled for June 11, 2014. As always, let us know if you have any questions.

Thanks,

Karla Boughton  
City of Poulsbo  
Associate Planner  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

## Karla Boughton

---

**From:** City of Poulsbo Planning  
**Sent:** Friday, April 25, 2014 9:27 AM  
**To:** City of Poulsbo Planning  
**Subject:** Poulsbo Planning Commission Public Hearing - 2014 Zoning Ordinance Amendment regarding marijuana related uses  
**Attachments:** PC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo Planning Commission for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning code amendments can be found at the following link: [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Tuesday, May 13, 2014 beginning at 7 p.m. at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

**Distribution List Name:** Notice of Public Hearing

**Members:**

Alison O'Sullivan  
Allen Moore  
Bethy Dye  
Bill Whiteley  
Corps of Engineers, Regulatory Branch

aosullivan@suquamish.nsn.us  
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Daniel Murphy  
Dave Dyess  
David Jones  
Dennis Lewarch  
Gerge Berghoff  
Jack Johnson  
Jim Lynch  
Kitsap Economic Development Alliance  
Larry Tellinghuisen  
Mark DeSalvo  
Olympic College  
Pat Fuhrer  
Paul Beveridge  
Paul Haas  
Port of Poulsbo  
Poulsbo USPS Postmaster  
Richard Oxley  
Richard Walker  
Robert Gelder  
Shawn Cates  
Stacie Rushforth, BJC Group  
Stephanie Trudel  
Tad Sooter  
Thomas Brobst  
Tom Powers, CENCOM  
WSDOT Olympic Region SEPA

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tpowers@co.kitsap.wa.us  
OR-SEPA-REVIEW@wsdot.wa.gov

**Karla Boughton**

---

**From:** City of Poulsbo Planning  
**Sent:** Friday, April 25, 2014 9:24 AM  
**To:** City of Poulsbo Planning  
**Subject:** 2014 Zoning Ordinance Amendment Marijuana Related Uses - Poulsbo Planning Commission Public Hearing  
**Attachments:** PC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo Planning Commission for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning code amendments can be found at the following link: [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Tuesday, May 13, 2014 beginning at 7 p.m. at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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Medical or Recreational Marijuana Email Inquiries List (Emailed since passage of 1-502):

Ann Simandl [asimandl@hotmail.com](mailto:asimandl@hotmail.com)

Keith Greller [keith.grellner@kitsappublichealth.org](mailto:keith.grellner@kitsappublichealth.org)

Ryan Vancil [ryan@vancillaw.com](mailto:ryan@vancillaw.com)

Andrew Bukoski [Andrew@bukoski.org](mailto:Andrew@bukoski.org)

Lori Albert [lorialbert40@yahoo.com](mailto:lorialbert40@yahoo.com)

Melinda [Melinda@cascadiaspirit.net](mailto:Melinda@cascadiaspirit.net)  
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Troy Barber [troy@guttersnake.us](mailto:troy@guttersnake.us)

Mark Greenshields [markgreenshields@kodurz.com](mailto:markgreenshields@kodurz.com)

Anakka Hartwell [hartwellanakka@yahoo.com](mailto:hartwellanakka@yahoo.com)

Tom Nelson [tenjr@comcast.net](mailto:tenjr@comcast.net)

Michael Paxhia [mpaxhia@hotmail.com](mailto:mpaxhia@hotmail.com)

Richard Eliason [richardleliason@aol.com](mailto:richardleliason@aol.com)

[aumbyeah@aol.com](mailto:aumbyeah@aol.com)

Susan Ogilvie [snoopysusan@hotmail.com](mailto:snoopysusan@hotmail.com)

Paul Ogilvie [paulogilvieconstruction@hotmail.com](mailto:paulogilvieconstruction@hotmail.com)

2014 Zoning Ordinance Amendments  
Marijuana Related Uses  
City Council Public Hearing Packet  
**EXHIBIT 7**

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**City Council Public Hearing Noticing Affidavits**

# CITY OF POULSBO CITY COUNCIL

## NOTICE OF PUBLIC HEARING 2014 Zoning Ordinance Amendment - Marijuana Related Uses

**Hearing Date: June 11, 2014**

**Time:** The hearing is scheduled to begin at 7:15 p.m. or as soon thereafter as possible.

**Place:** Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA.

**To:** Citizens of Poulsbo and other interested persons, agencies, and parties of record.

**Subject:** 2014 Zoning Ordinance Amendment - Marijuana Related Uses.

### **Summary of the Proposed Applications:**

The proposed amendment is a text amendment to the City's Zoning Ordinance (Title 18) to amend Chapter 18.90 Business and Employment Districts, adding a new Section 18.90.075 entitled "Marijuana Related Uses." This new section is being established to address the passage of I-502 and the licensing of recreational marijuana through the provisions of WAC 314-55, and the allowance of medical marijuana collective gardens as set forth by RCW 69.51A.085. Specifically, the proposed amendments set forth: 1) that the zoning district for recreational marijuana related uses and collective gardens is the Light Industrial zoning district; 2) identifies the buffer requirements of WAC 314-55 and applies them to collective gardens as well; 3) establishes development standards for marijuana related uses; 4) requires compliance with state licensing; and 5) establishes penalties.

### **Public Comment Methods:**

Comments may be provided to the City at any time during the zoning ordinance amendment process. Written comments received by the City will be forwarded to the City Council and made part of the record. Send written comments to City of Poulsbo Planning Department, 200 NE Moe Street, Poulsbo, Washington 98370, or fax them to (360) 697-8269. In addition to receiving comments through regular postal mailing and fax, comments may be sent to [planninginfo@cityofpoulsbo.com](mailto:planninginfo@cityofpoulsbo.com). To ensure consideration, all written comments must be received by the City prior to close of the zoning ordinance amendment public hearings. Verbal comments will be taken at the City Council public hearing.

**Public Participation Plan:** The Public and Agency Participation Plan for the 2014 Zoning Ordinance Amendment – Marijuana Related Uses is available on the City's website [http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm) and at the Planning Department.

**Hearing Information:** The Planning Commission held its public hearing on May 13, 2014 and has offered a recommendation of approval. The City Council public hearing on the amendments is scheduled for June 11, 2014. City Council is the review and decision making authority for

these amendments. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

**Additional Information:** Information on the zoning ordinance amendment, including the staff report, is on the City's website at

[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

and at the Planning Department. The files are available for review at the Planning Department between 8:30 am and 4:30 pm. Hard copies can be provided at a reasonable cost.

**Planning Staff Contact:** City of Poulsbo Planning Department  
200 NE Moe Street, Poulsbo, WA 98370  
Phone: (360) 394-9882 Fax: (360) 697-8269  
E-mail: [planninginfo@cityofpoulsbo.com](mailto:planninginfo@cityofpoulsbo.com)

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

**THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9882 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.**



# AFFIDAVIT OF PUBLIC NOTICE

Karla Boughton, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 5/21, 2014, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office
- Site Posting Address: \_\_\_\_\_

Karla Boughton

Subscribed and sworn to before me this 21st day of May, 2014.



Cheryln J. Haley

NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo

My Commission expires on:

3-13-15

**Karla Boughton**

---

**From:** City of Poulsbo Planning  
**Sent:** Wednesday, May 21, 2014 8:32 AM  
**To:** City of Poulsbo Planning  
**Subject:** 2014 Zoning Ordinance Amendment Marijuana Related Uses - Poulsbo City Council  
**Attachments:** CC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo City Council, for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning amendments can be found at the following link:

[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Wednesday, June 11, 2014 beginning at 7:15 p.m. or as soon thereafter as possible, at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

**Distribution List Name:** 2011-2013 Zoning Code Update list

**Members:**

Amy Waeschle	amywaeschle@comcast.net
Bill Palmer	wpconslts@telebyte.net
Bret Gagliardi	gagliardi5@comcast.net
Cindy Haberly	ckhaberly@gmail.com
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Dan Baskins	poulsbowashington@yahoo.com
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Tim Cartwright	tim@dcsurveyors.com
Troy Barber	troy@guttersnake.us
Troy Okunami	troyokunami@hotmail.com
William and Rosalee Quinn	vecetraquinn@comcast.net
WSDOT Olympic Region SEPA	OR-SEPA-REVIEW@wsdot.wa.gov

**Karla Boughton**

---

**From:** City of Poulsbo Planning  
**Sent:** Wednesday, May 21, 2014 8:38 AM  
**To:** City of Poulsbo Planning  
**Subject:** 2014 Zoning Ordinance Amendment Marijuana Related Uses - Poulsbo City Council Public Hearing  
**Attachments:** CC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo City Council, for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning amendments can be found at the following link:

[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Wednesday, June 11, 2014 beginning at 7:15 p.m. or as soon thereafter as possible, at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

**Distribution List Name:** Notice of Public Hearing

**Members:**

Alison O'Sullivan  
Allen Moore  
Bethy Dye  
Bill Whiteley  
Corps of Engineers, Regulatory Branch

Daniel Kimbler  
Daniel Murphy  
Dave Dyess  
David Jones  
Dennis Lewarch  
Edward Coviello  
Gerge Berghoff  
Jack Johnson  
Jim Lynch  
Kitsap Economic Development Alliance  
Larry Tellinghuisen  
Mark DeSalvo  
Olympic College  
Pat Fuhrer  
Paul Beveridge  
Paul Haas  
Port of Poulsbo  
Poulsbo USPS Postmaster  
Rachel Seymour  
Richard Oxley  
Richard Walker  
Robert Gelder  
Shawn Cates  
Stacie Rushforth, BJC Group  
Stephanie Trudel  
Tad Scooter  
Terri Douglas  
Thomas Brobst  
Tom Powers, CENCOM  
WSDOT Olympic Region SEPA

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tom.brobst@pse.com  
tpowers@co.kitsap.wa.us  
OR-SEPA-REVIEW@wsdot.wa.gov



**Karla Boughton**

---

**Distribution List Name:** Notice of Comprehensive Plan & Regulations Update E-mail List

**Members:**

Alison O'Sullivan (aosullivan@suquamish.nsn.us)	aosullivan@suquamish.nsn.us
Allen Moore	allen.moore@centurylink.com
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WSDOT Olympic Region SEPA	sepacenter@dnr.wa.gov
	OR-SEPA-REVIEW@wsdot.wa.gov

## Karla Boughton

---

**From:** Karla Boughton  
**Sent:** Wednesday, May 21, 2014 8:58 AM  
**To:** Council Members; Becky Erickson  
**Cc:** Barry A. Berezowsky; Kylie Purves; Planning Dept; Nicole M. Stephens  
**Attachments:** CC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo City Council, regarding proposed amendments to the Zoning Ordinance regarding marijuana related uses. Information is posted at the City's website and at the following link:  
[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Wednesday, June 11, 2014 beginning at 7:15 p.m. or as soon thereafter as possible.

As always, please let the Planning Director or myself know if you have any questions.

Thank you,

Karla Boughton  
City of Poulsbo  
Associate Planner  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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**Karla Boughton**

---

**From:** City of Poulsbo Planning  
**Sent:** Wednesday, May 21, 2014 9:14 AM  
**To:** City of Poulsbo Planning  
**Subject:** 2014 Zoning Ordinance Amendments City Council Public Hearing - Marijuana Related Uses  
**Attachments:** CC Public Hearing Notice.pdf

Hello,  
Attached please find the public hearing notice before the Poulsbo City Council, for proposed amendments to the City of Poulsbo Zoning Ordinance regarding marijuana related uses. All information regarding the proposed zoning amendments can be found at the following link:  
[http://www.cityofpoulsbo.com/planning/planning\\_marijuana.htm](http://www.cityofpoulsbo.com/planning/planning_marijuana.htm)

The public hearing is scheduled for Wednesday, June 11, 2014 beginning at 7:15 p.m. or as soon thereafter as possible, at Poulsbo City Hall, 200 NE Moe Street.

Thank you for your interest in Poulsbo.

Poulsbo Planning Department  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9882

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Medical or Recreational Marijuana Email Inquiries List (Emailed since passage of 1-502):

Ann Simandl [asimandl@hotmail.com](mailto:asimandl@hotmail.com)

Keith Greller [keith.grellner@kitsappublichealth.org](mailto:keith.grellner@kitsappublichealth.org)

Ryan Vancil [ryan@vancillaw.com](mailto:ryan@vancillaw.com)

Andrew Bukoski [Andrew@bukoski.org](mailto:Andrew@bukoski.org)

Lori Albert [lorialbert40@yahoo.com](mailto:lorialbert40@yahoo.com)

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Troy Barber [troy@guttersnake.us](mailto:troy@guttersnake.us)

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Paul Ogilvie [paulogilvieconstruction@hotmail.com](mailto:paulogilvieconstruction@hotmail.com)



# AFFIDAVIT OF PUBLIC NOTICE

Kelen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the

United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that

on May 20<sup>th</sup>, 2014, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office
- Site Posting Address: \_\_\_\_\_

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 2014.

Cherlyn Haley

NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo

My Commission expires on:

3-13-15

