

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

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.

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Staff Report
2014 Zoning Ordinance Amendments – Marijuana Related Uses

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).

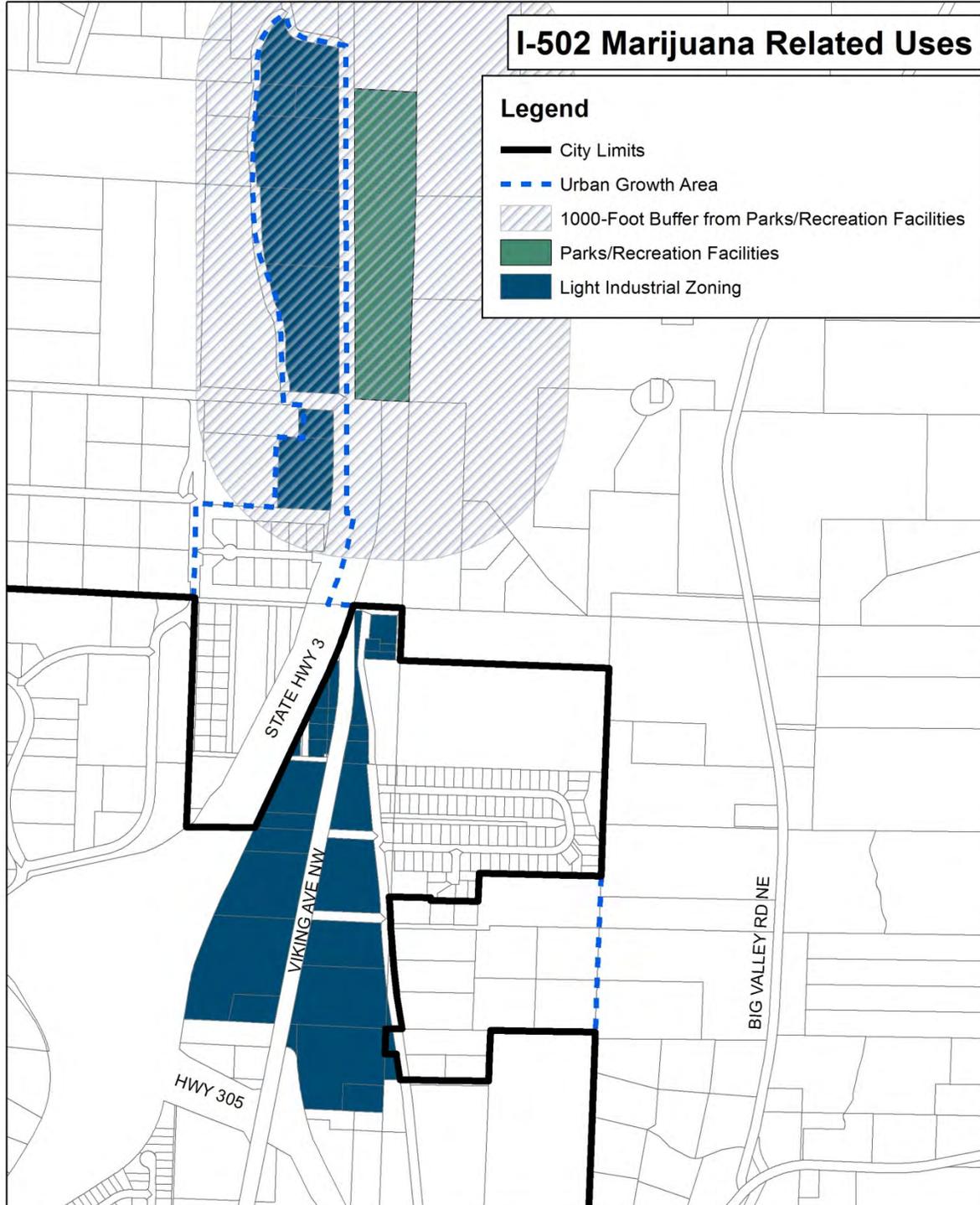
The Liquor Control Board has adopted rules regarding the licensing of recreational marijuana processors, producer and retail outlets. The rules are found in WAC 314-55 and are accessed at <http://apps.leg.wa.gov/wac/default.aspx?cite=314-55>.

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

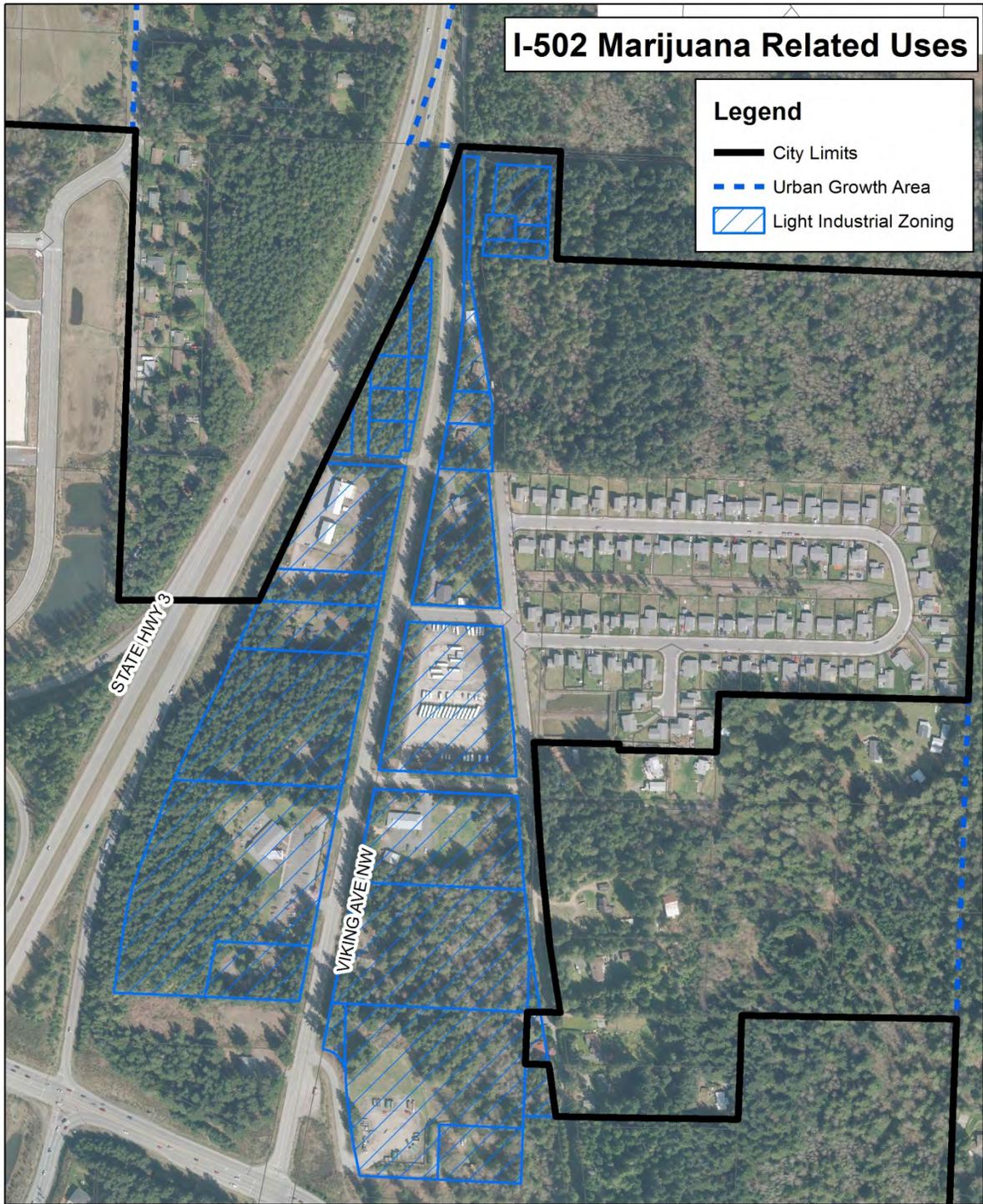
1000' buffer applied to NK Little League Fields
No other restricted entity currently exists in this area's LI zoning.
There are 25 unhatched LI zoning parcels totaling 43 acres that are available for marijuana use locations.



Map by Poulsbo Planning Department GIS 3/24/14



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



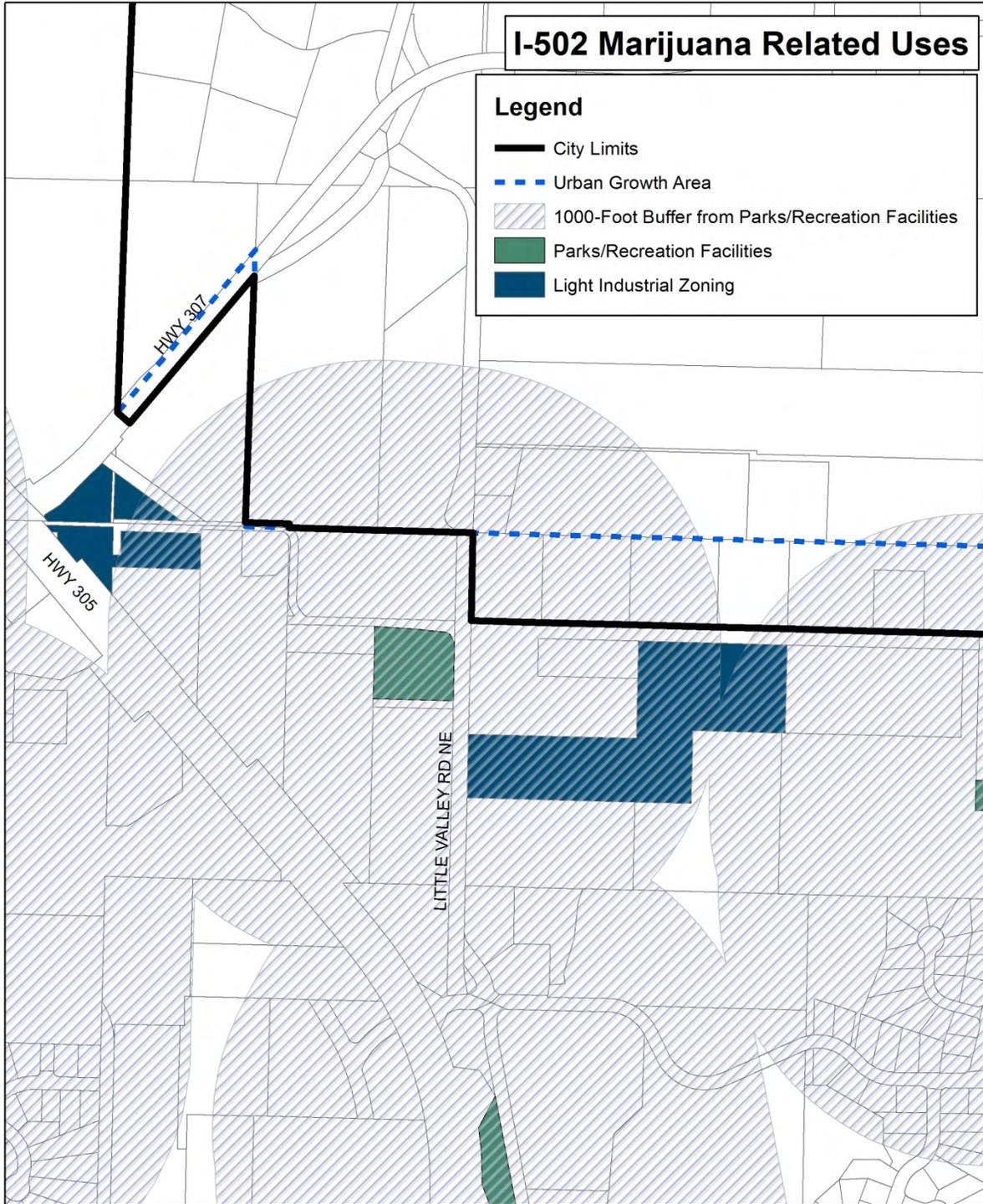
0 200 400 800 Feet

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.

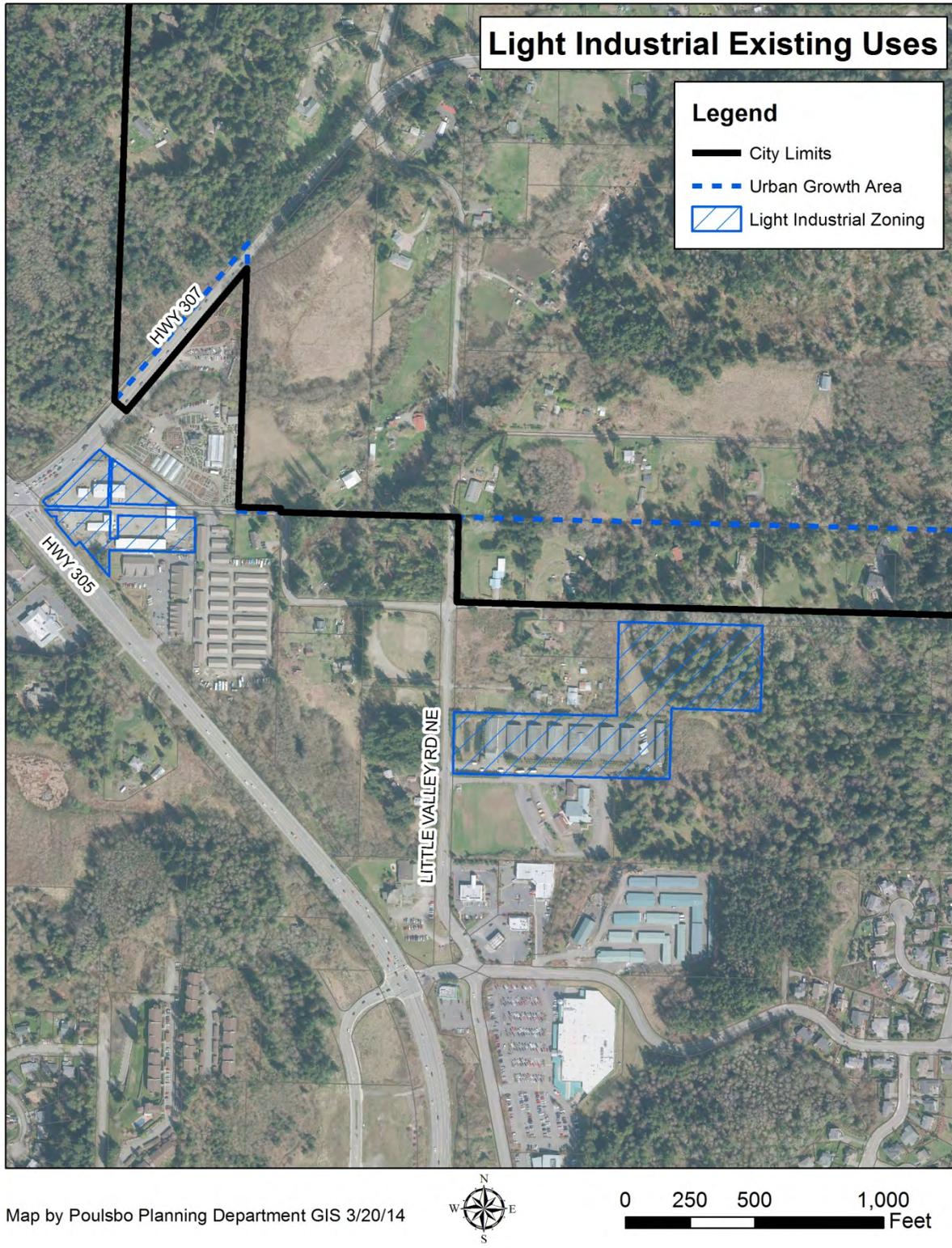


Map by Poulsbo Planning Department GIS 3/24/14



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

**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

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

Karla Boughton

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
360-337-5284 Office
360-475-9284 Fax

Karla Boughton

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> 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

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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2014 Zoning Ordinance Amendments
Marijuana Related Use
EXHIBIT C

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.

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

Name of proposed project, if applicable: 2014 Zoning Ordinance Amendment – Marijuana Related Uses		Date Prepared: April 2, 2014
Name of Applicant: City of Poulsbo	Address: 200 NE Moe Street Poulsbo, Washington 98370	Phone Number: (360) 394-9882
Contact: Karla Boughton, Associate Planner	Agency Requesting Checklist: City of Poulsbo	
Proposed timing or schedule (including phasing, if applicable) 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.		
Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain. 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.		
List any environmental information you know about that has been prepared, directly related to this proposal. 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.		
Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain. All marijuana producers, processors and retail outlets must be licenses by the state of Washington.		
List any government approvals or permits that will be needed for your proposal, if known. 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. Environmental Elements		Agree	Disagree	Mitigate
1. Earth				
a.	<p>General description of the site (check one): <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.	<p>What is the steepest slope on the site (approximate percent slope)?</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>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.</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>Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</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>Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</p> <p>This is not applicable to this non-project action.</p>	✓		
f.	<p>Could erosion occur as a result of clearing, construction or use? If so, generally describe.</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>About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</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>Proposed measures to reduce or control erosion, or other impacts to the earth, if any.</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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2. Air				
a.	<p>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.</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>Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>Proposed measures to reduce or control emissions or other impacts to air, if any.</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>	✓		

3. Water				
a. Surface:				
1)	<p>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.</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) 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.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>3) 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.</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) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</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) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</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) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</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. Ground:				
	<p>1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.</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>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.</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. Water Runoff (including storm water):				
1)	<p>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.</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>Could waste materials enter ground or surface waters? If so, generally describe.</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. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:				
	<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>	✓		
4. Plants				
a. Check types of vegetation found on the site:				
	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other <input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other <input checked="" type="checkbox"/> Shrubs <input checked="" type="checkbox"/> Grass <input checked="" type="checkbox"/> Pasture <input type="checkbox"/> Crop or grain <input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other <input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other 			

<input type="checkbox"/> Other types of vegetation 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. What kind and amount of vegetation will be removed or altered? 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. List threatened or endangered species known to be on or near the site. 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.	✓		
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any. 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.	✓		
5. Animals			
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: <input checked="" type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other: <input checked="" type="checkbox"/> Mammals: deer, bear, elk, beaver, other: <input checked="" type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other: There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.	✓		
b. List any threatened or endangered species known to be on or near the site. 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>Is the site part of a migration route? If so, explain.</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>Proposed measures to preserve or enhance wildlife, if any.</p> <p>White paper prepared by BOTEK 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>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.</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>Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</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>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.</p> <p>Future development will meet the current energy code as identified in the International Building Code.</p>	✓		

7. Environmental Health

a.	<p>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.</p> <p>The white paper prepared by BOTEK 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>1) Describe special emergency services that might be required.</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>2) Proposed measures to reduce or control environmental health hazards, if any.</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. Noise				
	<p>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</p> <p>The city has a typical level of noise expected in an urban environment.</p>	✓		
	<p>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.</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>3) Proposed measures to reduce or control noise impacts, if any.</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>	✓		

8. Land and Shoreline Use				
	<p>a. What is the current use of the site and adjacent properties?</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. Has the site been used for agriculture? If so, describe.</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.	✓		
c.	Describe any structures on the site. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
d.	Will any structures be demolished? If so, what? 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.	✓		
e.	What is the current zoning classification of the site? The proposed zoning ordinance amendments are establishing marijuana related uses to be located in the Light Industrial zoning district.	✓		
f.	What is the current comprehensive plan designation of the site? The proposed zoning ordinance amendment is establishing marijuana related uses to be located in the Light Industrial comprehensive plan land use designation.	✓		
g.	If applicable, what is the current shoreline master program designation of the site? 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.	✓		
h.	Has any part of the site been classified as "environmentally sensitive area? If so, specify. 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.	✓		
i.	Approximately how many people would reside or work in the completed project? 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.	Approximately how many people would the completed project displace? 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.	Proposed measures to avoid or reduce displacement impacts, if any. 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.	Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any. No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.	✓		
9. Housing				
a.	Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None. This is a non-project action.	✓		
b.	Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None. This is a non-project action.	✓		
c.	Proposed measures to reduce or control housing impacts, if any. 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.	✓		
10. Aesthetics				
a.	What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? 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>What views in the immediate vicinity would be altered or obstructed?</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>Proposed measures to reduce or control aesthetic impacts, if any.</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>	✓		
11. Light and Glare				
a.	<p>What type of light or glare will the proposal produce? What time of day would it mainly occur?</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>Could light or glare from the finished project be a safety hazard or interfere with views?</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>What existing off-site sources of light or glare may affect your proposal?</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>Proposed measures to reduce or control light and glare impacts, if any.</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>	✓		

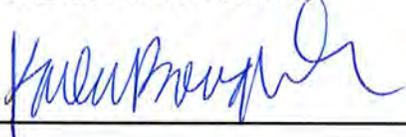
	environmental review will be required as sites are proposed for development.			
12. Recreation				
a.	What designated and informal recreational opportunities are in the immediate vicinity? Poulsbo has a variety of public parks and recreation opportunities throughout the city.	✓		
b.	Would the proposed project displace any existing recreational uses? If so, describe. 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.	Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any. The Liquor Control Board established buffers in which marijuana related uses must be located more than 1000' from public parks and recreation facilities.	✓		
13. Historic and Cultural Preservation				
a.	Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development.	✓		
b.	Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. Unknown at this time.	✓		
c.	Proposed measures to reduce or control impacts, if any. If at the time of site specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.	✓		
14. Transportation				
a.	Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show			

	<p>on site plans, if any.</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>Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop.</p> <p>Kitsap Transit provides public transit throughout the city.</p>	✓		
c.	<p>How many parking spaces would the completed project have? How many would the project eliminate?</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>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).</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>Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</p> <p>No.</p>	✓		
f.	<p>How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.</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>Proposed measures to reduce or control transportation impacts, if any.</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.	✓		
15. Public Services				
a.	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. 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.	Proposed measures to reduce or control direct impacts on public services, if any. 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.	✓		
16. Utilities				
a.	Check the utilities currently available at the site: <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.	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. 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 Weiler
 Assoc. Planner
 Teri Weiler
 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>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?</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>Proposed measures to protect such resources or to avoid or reduce impacts are:</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>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?</p> <p>Projects resulting from the zoning ordinance amendments will require further review at the time of development application.</p> <p>Proposed measures to avoid or reduce shoreline and land use impacts are:</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>How would the proposal be likely to increase demands on transportation or public services and utilities?</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>Proposed measures to reduce or respond to such demand(s) are:</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>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</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 28th 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: 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

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Karla Boughton

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

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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

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 POSTING

STATE OF WASHINGTON)
) SS.
COUNTY OF KITSAP)

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 April 11, 2014, affiant posted true and correct copies of NOA - ZO Amendment Marijuana Related Uses the original copy of which is on file in the office of the Planning Department of the City of Poulsbo.

Karla Boughton

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

Cherlyn J. Haley

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

Poulsbo

My Commission expires on:

3.13.15

2nd Floor City Hall Lobby

Post office

Library





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 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
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(360) 394-9882

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Karla Boughton

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Karla Boughton

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Karla Boughton

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

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	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 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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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. 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 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 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

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 25th 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

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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Karla Boughton

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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.

Thank you and see you on the 13th.

Karla Boughton
City of Poulsbo
Associate Planner
200 NE Moe Street
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(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

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
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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

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

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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

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
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