

**POULSBO CITY COUNCIL MEETING OF AUGUST 14, 2013**

**MINUTES**

**PRESENT:** Mayor Erickson, Berry-Maraist, Henry, Lord, McGinty, Musgrove, Nystul, Stern.

Staff: Berezowsky, Booher, Stephens, Treacher, Weaver

Also present: City Attorney Haney

**MAJOR BUSINESS ITEMS**

- \* \* \* Ordinance No. 2013-10, Amending Liberty Bay Marina Concomitant Agreement
- \* \* \* Interim Zoning Regulations for Marijuana Related Activities
- \* \* \* Interlocal Agreement with Fire District No. 18 for Fire Prevention
- \* \* \* Resolution No. 2013-08, Amending Planning Department Fee Schedule
- \* \* \* Workshop: Council Technology

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Erickson called the meeting to order in the Council Chambers at 7:00 PM and led the Pledge of Allegiance.

**2. COMMENTS FROM CITIZENS**

- a. Luanna (*no last name provided*), commented on Work Source no longer having a location due to their need to relocate and did not feel the City was supportive of the program.
- b. Rita Hagwell commented on several incidents that occurred at/near her property in May 2012, during the Viking Avenue improvement project.
- c. Janetmarie Valiga commented on a conversation she had with Sharon Lee, Kitsap Regional Library, who told her the library does not have a space for Sound Works, however they are very supportive to help find a new location for Sound Works.

**3. MAYOR'S REPORT AND COUNCIL COMMENTS**

- a. Mayor Erickson thanked City Attorney Haney for attending the Council meeting this evening.
- b. Councilmember Musgrove commented on the upcoming events in Poulsbo, including Poulsbo Art Festival, Farmers Market, Poulsbo Music Festival and many others.
- c. Councilmember Berry-Maraist thanked all the people who made the Poulsbo Street Dance happen this year, and she was sorry to have missed it.

- d. Mayor Erickson stated Sharon Lee, Kitsap Regional Library, had reached out to her, to help Sound Works relocate to the library; Sound Works does not appear to be comfortable with that option. Erickson expressed she has sincerely tried to find a new location for Sound Works at several locations.

Mayor Erickson announced the addition of business item, Interim Zoning Regulation for Marijuana Related Activities, to be held at the beginning of the agenda.

- e. Councilmember Stern commented on the success of the Street Dance and the M/V Lotus seeking a permanent location.

#### **4. CONSENT AGENDA**

None.

#### **5. BUSINESS AGENDA**

- a. **Ordinance No. 2013-\_\_\_, Interim Zoning Regulations for Marijuana Related Activities**

Mayor Erickson called for 5 minutes recess at 7:18 PM, to allow the Council time to review the newly provided materials.

Planning Director Berezowsky reported recent amendments to RCW Chapter 69.S1A, relating to the medical use of cannabis in conjunction with the passing of Initiative 502, have expanded the scope of activities surrounding marijuana production, processing, retailing and use. Enacting interim zoning regulations which assign limited and carefully defined zoning districts and regulations for producers, processors and retailers of marijuana will afford the City tools to accommodate such uses, if and when, approached to do so. The Planning Department has received several inquires about locating either marijuana gardens and/or dispensaries.

Berezowsky presented a map that generally depicts locations inside the City where marijuana outlets and collective garden locations would be allowed in accordance with I-502.

City Attorney Haney noted the State is considering administrative regulations/licensing of producer (growers), processors and retailers. Local jurisdictions will receive notifications of pending licenses for comments, however the State will have approval rights; they will not look at local zoning regulations. Additionally, the State will not regulate medical marijuana collective gardens. The ordinance in front of the Council is intended to establish location restriction on medical marijuana collective gardens, which will not be regulated by the State; and to establish location regulations for non-medical marijuana uses, the uses would have to comply with the State location requirements. Without this ordinance an individual wishing to open a medical marijuana collective garden, would be able to do so, in the City without any regulation by the City.

Haney further stated the proposed interim regulations can go into effect immediately, the City would have to hold a public hearing within 60 days after adoption and findings and conclusions need to be adopted. Ultimately the goal is to adopt permanent regulations, they do not have to be the interim regulations; the Council may wish to make changes.

Council discussion included:

- Clarification that the 1000 foot setback (from schools, playgrounds, recreational facilities, child care centers, public parks and transit centers, and libraries) is part of State law.
- Potential impact to local municipalities since the any activity is against Federal law. The ordinance purposely does not include the City issuing licenses/permits; only prescribes where the activities may be located.
- Allowing the marijuana outlets and collective garden locations in light industrial only.

**Motion:** Move to table this until September 5, 2013, when the new rules are proposed to come out, on September 4<sup>th</sup>.

**Action:** Approve, **Moved by** Musgrove, **None seconded**.

**Motion failed.**

**Motion:** Move to approve Ordinance No. 2013-10, an ordinance of the City of Poulsbo, Washington, adopting interim zoning regulation relating to marijuana related uses for a period of six months; setting a public hearing for September 11, 2013, in order to take public testimony regarding the interim zoning regulations; providing for severability; declaring an emergency and establishing an immediate effective date.

**Action:** Approve, **Moved by** Mayor Erickson, **Seconded by** Berry-Maraist.

**Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

**Yes:** Berry-Maraist, Henry, Lord, McGinty, Nystul, Stern.

**No:** Musgrove.

**b. Ordinance No. 2013-11, Amending Liberty Bay Marina Concomitant Agreement**

Associate Planner Weaver explained the previous owner of Liberty Bay Marina did not comply with the concomitant agreement in place, and engaged in actions resulting in development and uses that were not permitted. In 2000, new owners entered into a voluntary agreement with the City staying code enforcement action pending submission of a permanent development agreement. The interim agreement included a parking plan for the marina's tenants and visitors, has expired; however Liberty Bay Marina has applied to amend the concomitant agreement to create consistency between the concomitant agreement and the marina's current uses. This will allow the marina to legally continue with all of its current commercial uses and allow similar uses in the future.

Weaver further explained in February 2013, the City hearing Examiner held a public hearing on the proposed concomitant agreement amendment, and issued a recommendation to the City Council. City Attorney Haney prepared the ordinance for approval of the amendment, with recommended changes to the Hearing Examiner's conditions.

Mayor Erickson thanked Berezowsky, Weaver, City Attorney Haney and Liberty Bay Marina for their hard work in getting the amendment completed.

**Motion:** Move to approve Ordinance No. 2013-11, amending the Liberty Bay Marina concomitant agreement.

**Action:** Approve, **Moved by** Musgrove, **Seconded by** Lord.

Motion passed unanimously.

**c. Interlocal Agreement with Fire District No. 18 for Fire Prevention**

The City and Fire District 18 wish to enter into an Interlocal agreement to set forth our mutual understanding as to the City's and Fire District 18's respective fire prevention duties and responsibilities. This agreement takes the place of the agreement that went into affect three years after the City was annexed to the District in 1999. In 2009, the City and District 18 initiated discussions to alter the agreement to reduce City costs for fire prevention services and ultimately the original agreement was terminated and no replacement agreement was entered in to by the parties. At that time the Fire Marshal responsibilities were taken over by the City because the District's Fire Marshal retired and was not replaced by the District. The District has since contacted the City and expressed interest in entering into the agreement. The agreement provides for District 18 to continue to provide fire safety inspections on behalf of the City and for the District to provide the City with input regarding fire safety during the development review process.

**Motion:** Move to approve Resolution No. 2013-08, authorizing the Mayor to sign the Interlocal Agreement between the City of Poulsbo and Kitsap County Fire Protection District No. 18 Regarding Fire Prevention Duties and Responsibilities.

**Action:** Approve, **Moved by** McGinty, **Seconded by** Stern.

Motion passed unanimously.

**d. Resolution No. 2013-09, Amending Planning Department Fee Schedule**

Planning Director Berezowsky explained the adoption of amendments to the City's Zoning Code included new permits that are not included in the City's current Land Use Permit Fee Schedule. The fee schedule has been amended to include these new permit types with associated application fees.

The fee schedule was reviewed by the Economic Development Committee which made one minor change by recommending reducing the Sandwich Board Sign permit from \$100.00 to \$50.00. The recommended change is reflected in the proposed fee schedule.

**Motion:** Move to approve Resolution No. 2013-09, a resolution of the City of Poulsbo, Washington, amending the fee schedule for land use applications adopted pursuant to PMC 3.12.030 in order to add fees for development agreements, Viking Avenue planned mixed use developments, sandwich board signs, minor shoreline conditional use permits, and minor Shoreline substantial development permits.

**Action:** Approve, **Moved by** McGinty, **Seconded by** Lord.

Motion passed unanimously.

**e. Workshop: Council Technology**

Information Technology Manager Treacher provided the Council with a comparison chart of the different types of mobile computing devices that will meet the Council's needs and outlined each options specification. The options included an Apple iPad, Microsoft Surface Pro; Dell Tablet; Dell XPS; and Dell Laptop.

The Council expressed the need for something portable and the ability to do additional work (word processing, Excel spreadsheet).

Council concurred to discuss their specific needs and look at the various options with Treacher.

**6. COUNCIL COMMITTEE REPORTS**

- a. Public Works Committee: Councilmember Berry-Maraist reported on neighborhood connectivity with a presentation by Karla Boughton; review of the Request for Proposals received for the Water Plan Update; Kitsap County Multi-modal Plan update and next steps; Engineering fee update; and House Bill 1045, allowing the reduction of speed limit, from 25 to 20 mph on non-arterial roads without an Engineering study.
- b. Community Services Committee: Councilmember Henry reported on a new Special Event Application for Pizza, Pedal and Run event that will be routed through Poulsbo, online registration for Parks & Recreation classes will be available beginning September 1<sup>st</sup>.

**7. DEPARTMENT HEAD COMMENTS**

None.

**8. CONTINUED COMMENTS FROM CITIZENS**

- a. Rita Hagwell requested the trail listed in the Urban Paths of Poulsbo that runs through property, be removed.

9. **COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS**

None.

10. **ADJOURNMENT**

**Motion:** Move to adjourn at 9:53 PM.

**Action:** Approve, **Moved by** McGinty, **Seconded by** Stern.

Motion passed unanimously.

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Rebecca Erickson, Mayor

ATTEST:

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Nicole Stephens, Deputy City Clerk, CMC