

**City of Poulsbo
PLANNING COMMISSION**

Tuesday May 13, 2014

MINUTES

MEMBERS PRESENT

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

STAFF

Keri Weaver; Karla Boughton; Edie Berghoff

GUESTS

Susan Ogilvie; Brian Meyers

1. CALL TO ORDER

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

2. FLAG SALUTE

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

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

4. MODIFICATIONS TO AGENDA

5. COMMENTS FROM CITIZENS – none

**6. CVS SHORT PLAT
PUBLIC MEETING**

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

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

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

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

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

Chairman Stevens opened the hearing at 7:08 pm

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

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

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

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

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

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

Chairman Stevens requested comment from the public.

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

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

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

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

DISCUSSION:

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

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

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

8. COMMENTS FROM CITIZENS - none

9. COMMISSIONER COMMENTS

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

The meeting was adjourned at 7:47 pm



Ray Stevens
Chairman, Poulsbo Planning Commission