

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2024-02

SUBJECT: Cannabis Code Amendment

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 01/03/2024
- Passed by the City Council: 02/14/2024
- Signature of Mayor
- Signature of City Clerk
- Publication: 02/19/2024
- Effective: 02/24/2024
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- Seattle Times: 02/15/2024
- Code Publishing
- City Attorney
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- City Council
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Kati Diehl
Deputy City Clerk

02/15/2024
Date

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 18.40.030, 18.80.030, AND 18.80.080, OF THE CITY OF POULSBO MUNICIPAL CODE TO ALLOW CANNABIS RETAIL IN THE C-2 VIKING AVENUE AND C-3 SR305 (SOUTH OF SR305/307 INTERSECTION) ZONING DISTRICTS AND ESTABLISH BUFFERS AND LIMIT THE MAXIMUM NUMBER OF RETAILERS TO TWO, ONE IN EACH ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 69.50.331(8)(a) provides that the Washington State Liquor and Cannabis Board may not issue a license for any cannabis retail premises within one thousand (1,000) feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or game arcade admission to which is not restricted to persons aged twenty-one (21) years or older; and

WHEREAS, a city is given authority under RCW 69.50.331(8)(b) to permit the licensing of cannabis retail premises within one thousand (1,000) feet but not less than one hundred feet of the facilities described in RCW 69.50.331(8)(a), except elementary schools, secondary schools, and playgrounds, which must remain at not less than one thousand (1,000) feet of the perimeter of the grounds of such uses, by enacting an ordinance authorizing such distance reduction, provided that such distance reductions will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health; and

WHEREAS, the Poulsbo City Council finds that without adopting buffer reductions cannabis retail may be precluded because there are limited areas available outside of the 1,000 foot buffer that would support the proposed use; and

WHEREAS, the Poulsbo City Council finds that adopting reductions in buffers authorized by state law will not negatively impact the City's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health; and

WHEREAS, the Poulsbo City Council desires to limit the total amount of retailers to two to avoid a concentration of said use within City limits and to limit the amount of retailers to one per zoning district to provide opportunity in each zoning district for the use to locate; and

WHEREAS, on November 23, 2023, the Notice of Application (NOA), State Environmental Protection Act ("SEPA") Threshold Determination, and Planning Commission Public Hearing notice regarding the adoption of cannabis retail zoning amendment ("Cannabis Code Amendments") was published in the Seattle Times, emailed to the NOA, SEPA, Public Hearing, and Development Regulations e-notice lists, posted at the Poulsbo Library, Poulsbo Post Office, City Hall, and the City's website; and

WHEREAS, on November 28, 2022, the City of Poulsbo ("City") released the Cannabis Code Amendments to the public, distributed to Washington State Department of Commerce and other local, regional, and state agencies, and emailed to the City's Development Regulations interested parties e-notice list; and

WHEREAS, the City Planning Staff issued a Planning Commission public hearing staff report on December 5, 2023 regarding the Cannabis Code Amendments; and

WHEREAS, on December 12, 2023, the Poulsbo Planning Commission held a duly noticed public hearing on the Cannabis Code Amendments; and

WHEREAS, after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval of the Cannabis Code Amendments to the Poulsbo City Council, and adopted findings of fact in support of their decision; and

WHEREAS, the City Council held a workshop on January 10, 2024 and continued discussions on January 17, 2024; and

WHEREAS, a public hearing notice announcing the Poulsbo City Council public hearing regarding the Cannabis Code Amendments was published in the Seattle Times, emailed to the Public Hearing and Development Regulations e-notice lists, posted at the Poulsbo Post Office, Poulsbo Library, City Hall, and the City's website on January 25, 2024; and

WHEREAS, the Poulsbo City Council held a duly noticed public hearing on the Cannabis Code Amendments on February 14, 2024; and

WHEREAS, after considering the City Planning Staff and Planning Commission recommendations and public testimony received in the public hearing, the Poulsbo City Council determined to approve and to adopt the final version of the Cannabis Code Amendments as set forth herein by the passage of this ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. Findings and Conclusions. In support of the actions taken by this ordinance, the Poulsbo City Council hereby adopts the following as findings and conclusions:

- A. The recitals set forth above;
- B. The findings, conclusions, and analysis contained in the Planning Commission Findings of Fact and Recommendation dated December 12, 2023; and
- C. The findings, conclusions and analysis contained in the City Council Public Hearing Staff Report, dated February 14, 2024.

Section 2. Cannabis Code Amendments. Poulsbo Municipal Code Sections 18.40.030, 18.80.030, and 18.80.080, are hereby amended as set forth in Exhibit A to this ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

DocuSigned by:

77AA4B38C18A4BA
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:

D21DA14DCC754A8
CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
833D0DC77E3647E...
EMILY F. ROMANENKO

FILED WITH THE CITY CLERK: 01/03/2024
PASSED BY THE CITY COUNCIL: 02/14/2024
PUBLISHED: 02/19/2024
EFFECTIVE DATE: 02/24/2024
ORDINANCE NO. 2024-02

SUMMARY OF ORDINANCE NO. 2024-02
of the City of Poulsbo, Washington

On the 14th day of February, 2024, the City Council of the City of Poulsbo, passed Ordinance No. 2024-02. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 18.40.030, 18.80.030, AND 18.80.080, OF THE CITY OF POULSBO MUNICIPAL CODE TO ALLOW CANNABIS RETAIL IN THE C-2 (VIKING AVENUE) AND C-3 (SR305) ZONING DISTRICTS AND ESTABLISH BUFFERS AND LIMIT THE MAXIMUM NUMBER OF RETAILERS TO TWO, ONE IN EACH ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Cannabis retail is allowed and limited to a maximum of one retailer in the C-2 and C-3 zoning districts (south of SR305/307 intersection), for a total of two retailers maximum, one per each zone and as per the buffer distances as measured in WAC 315-55 of 1,000 feet to elementary or secondary schools and playgrounds and within 100' of a recreation center or facility, child care center, public park, public transit center, library or any game arcade where admission is not restricted to persons age 21 or older.

The full text of this Ordinance will be mailed upon request.

DATED this 14th day of February, 2024.

DocuSigned by:

D21DA14DCC754A8
CITY CLERK RHIANNON FERNANDEZ

EXHIBIT A

INTRODUCTION:

The proposed amendments to the Poulsbo Municipal Code (PMC) are to allow cannabis retail in two of the city's commercial districts (C-2 Viking Avenue and C-3 SR 305 (south of SR305/307 intersection) with a limit of two (2) retailers total, one (1) per zoning district.

Amendments are included for the following PMC Chapters: 18.40.030, Definitions, 18.80.030 Commercial District, Uses, and 18.80.080 Additional standards and provisions for C zoning districts.

It should be noted that not all provisions of a specific section are presented below; only the pertinent sections proposed to be amended are identified. For full context, please refer to the complete section in the Poulsbo Municipal Code: <https://www.codepublishing.com/WA/Poulsbo/>.

Full project review documents, including timeline, can be viewed on the project website: <https://cityofpoulsbo.com/development-regulation-amendments-2/>.

TITLE 18: ZONING ORDINANCE | DEFINITIONS

1. Section: 18.40.030 Definitions.

"Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis during the growing cycle through harvest and usable cannabis. "Cannabis" does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.

"Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

"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 24 hours licensed by the Washington state department of early learning under chapter 170-295 WAC.

"Elementary school" means a school with a physical location for early education that provides the first four to eight years of basic education and is 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.

"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 parks do 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 or 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.

"Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, federal government, or metropolitan park district.

"Secondary school" means a high and/or middle school with a physical location for students who have completed their primary education, usually attended by children in grades seven to 12 and recognized by the Washington state superintendent of public instruction.

TITLE 18: ZONING ORDINANCE | COMMERCIAL DISTRICTS

2. Section: 18.80.030 Uses.

Table 18.80.030 Commercial Zoning Districts Use Table					
USE	C-1 Downtown/ Front Street	Shopfront Overlay	C-2 Viking Avenue	C-3 SR 305 Corridor	C-4 College MarketPlace
Retail Sales and Service					
Cannabis Retail	X	X	<u>P¹</u>	<u>P¹</u>	X
¹ Subject to standards in Section 18.80.080 .					

3. Section: 18.80.080 Additional standards and provisions for C zoning districts.

O. Cannabis Retail Development Standards.

1. Cannabis retail is allowed and limited to a maximum of one retailer in the C-2 and C-3 zoning districts (south of the SR305/307 intersection) for a total of two retailers maximum, one per each zone per the buffer distances established below:
 - a. As measured in WAC 314-55 as currently enacted or hereafter amended, no cannabis retailer shall be located within 1,000 feet of the following businesses and facilities:
 1. Elementary or secondary schools; or
 2. Playgrounds.
 - b. As measured in WAC 314-55 as currently enacted or hereafter amended, no cannabis retailer shall be located within 100' of the following businesses or facilities:
 1. Recreation center or facility;
 2. Child care center;
 3. Public park;
 4. Public transit center;
 5. Library; or
 6. Any game arcade where admission is not restricted to persons age 21 or older.
2. Compliance with state laws: All licensed cannabis businesses are subject to the requirements and restrictions of operating found in Washington Administrative Code (WAC), Chapter 314-55, as currently enacted or hereafter amended, including but not limited to security and traceability (WAC 314-55-083), signage (WAC 314-55-085 & 155) hours of operation (WAC 314-55-147), and security requirements (WAC 314-55-83).