



Planning Department Newsletter

COUNCIL IMPOSES MORATORIUM ON RECREATIONAL MARIJUANA FACILITIES

On September 24, the City Council adopted an ordinance placing a six-month moratorium on the establishment of any recreational marijuana sales, production, or processing facilities in Pullman. The Council took this action to provide city staff the time considered necessary to review the state's current regulatory framework and the federal government's position on the matter, and to potentially formulate draft local regulations for such facilities.

The measure that set all of this in motion was Initiative 502, passed with the approval of 55.7 percent of Washington voters last November. Among other things, the initiative legalized limited possession of marijuana by persons aged 21 and older, and provided for the production, processing, and sale of marijuana products. The initiative directed the Washington State Liquor Control Board to adopt rules by December 1, 2013 that will set forth the procedures and criteria necessary to license recreational marijuana facilities,

determine the number of marijuana retail outlets allowed per county, place restrictions on advertising marijuana establishments, and regulate other aspects of the law. The initiative also stipulated that no license be issued for any recreational marijuana operation that proposes to locate within 1,000 feet of an elementary or secondary school, playground, recreation center, public park, child care center, public transit center, public library, or any game arcade which is open to persons under 21 years of age.

In July, the Liquor Control Board filed its draft rules to implement the law. This Board has made periodic amendments to these provisions since then, and it has announced that it will hold public hearings regarding the proposed rules on October 9 and 10 in Spokane and Seattle, respectively. At this point, the Board intends to adopt the rules in final form on October 16. It then anticipates it will start accepting applications for recreational marijuana facility licenses on

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November 18, and begin issuing those licenses on or around December 18. The Board has determined that the city of Pullman is allotted a maximum of three retail outlets for the provision of recreational marijuana, and the rest of Whitman County may have one additional “at-large” retail business of this type.

The cultivation, possession, or distribution of marijuana in any form continues to be a violation of federal law through the Controlled Substances Act. However, last month, the U.S. Attorney General’s office released a memorandum declaring that, in states where recreational marijuana has been legalized, the Department of Justice will not interfere with strong and effective enforcement mechanisms established at the local or state level concerning the provision and use of such marijuana. The memo noted that the Justice Department will prioritize enforcement of the Controlled Substances Act based on eight specific priorities, which include disallowing distribution of marijuana to minors, prohibiting diversion of marijuana to a state which has not decriminalized the substance, and preventing drugged driving.

Since the city of Pullman currently has no standards in place to regulate recreational marijuana facilities other than its requirement for a general business registration, the city attorney and planning staff recommended in favor of the proposed moratorium. The Council’s action to approve this proposal will preserve the status quo while city officials study this complex matter and determine whether it is appropriate to prepare zoning and other regulatory amendments to address the

sale, production, and processing of recreational marijuana.

State law allows for the establishment of a moratorium that takes effect immediately upon passage of the pertinent ordinance so long as a public hearing is held within 60 days thereafter to address the enactment of the moratorium. Therefore, as part of its action on the ordinance, the Council set October 29 as the date for a hearing to take public testimony on this subject.

An important side note in this entire discussion is that Washington state’s regulations involving medical marijuana are unaffected by Initiative 502. In fact, the initiative makes no mention of medical marijuana. The existing Pullman city code provisions state that any party who wishes to engage in a medical marijuana operation must complete a business registration application, and, as part of that application, provide written documentation from the U.S. Department of Justice attesting to the compliance of said operation with federal laws related to the production, processing, and distribution of marijuana.

In the event that city staff crafts proposed zoning regulations pertaining to recreational marijuana facilities, these draft regulations would be addressed at a public hearing before the Planning Commission. At the conclusion of this hearing, the Commission would make a recommendation on the provisions to the City Council. Upon receipt of this recommendation, the Council would take action on the proposed standards at a public meeting. For updates on this topic, please refer to future editions of this newsletter.

COUNCIL APPROVES BARCLAY ESTATE SUBDIVISION NO. 3

Back in April, we reported in this newsletter that the planning department had received its first preliminary subdivision application since 2008. That application, for the Barclay Estate Subdivision No. 3, was conditionally approved by the City Council at its meeting on September 24.

This proposal involved the division of 6.5 acres of land into 18 lots and public streets just south of the intersection of Golden Hills Drive and Casey Court on Sunnyside Hill. The zoning of the property is R2 Low Density Multi-Family Residential, which allows for single family houses, manufactured homes, and apartments.



Golden Hills Drive is the only access route for the proposed subdivision and surrounding development in this neighborhood.

A “preliminary plat” application for a proposed subdivision like this requires a public hearing before the Planning Commission and review by the City Council. For the Barclay Estate Subdivision No. 3, the Planning Commission conducted its public hearing on August 28. Ordinarily, it does not take four months from the time of application submittal to the Commission’s hearing, but, in this instance,

the city needed to receive documentation from the applicant that all of the owners of the subject property had granted their consent to the application. Once staff received this documentation, it scheduled the hearing.

At the Commission meeting, planning staff indicated that it was recommending approval of the proposal, subject to eight conditions related to the provision of public works improvements such as streets and utility lines. During the public comment portion of the hearing, applicant Phil Hinrichs provided his justification for the subdivision, and a member of the Pullman Civic Trust promoted bicycle trails in the vicinity of the subject property. The majority of the public input came from residents in the surrounding area. These residents expressed concern about the increase in vehicle traffic that would occur, especially if the lots were developed with multi-family dwellings. They noted that the neighborhood has only one ingress/egress road (Golden Hills Drive), and they advocated for the construction of multiple access routes in the near future. Mr. Hinrichs responded that it is through the continued development of subdivisions like Barclay Estate No. 3 that these multiple access routes will eventually be established. After hearing this testimony, the Planning Commission decided to recommend approval of the proposal with the conditions suggested by staff. The City Council’s decision on September 24 was to approve the preliminary plat as recommended by the Commission.

Mr. Hinrichs has informed planning staff that he intends to start construction of the streets and utilities for this subdivision as soon as plans for these facilities are approved by the city public works department. Given constraints posed by our fall weather, it is likely that the bulk of this construction work will occur next year.



Pending Land Use Proposals

Displayed below are land use applications submitted to the planning or public works department or city-generated proposals for planning provisions that require a public meeting, public notice, or site plan review in accordance with the city code.

PROJECT	DESCRIPTION	LOCATION	STATUS
College Hill Design Standards	formulate design standards for new construction	College Hill Core	stakeholders meeting held 10/27/11 on design concepts; staff revising standards
Mary's Park Annexation	annex approximately 2.2 acres to city	southeast of Old Moscow Road/Johnson Avenue intersection	engineering staff preparing legal description for proposed annexation area
Barclay Estate Subdivision No. 3 Preliminary Plat	divide 6.5 acres into 19 lots and public streets in R2 zone	south of intersection of SW Golden Hills Drive and SW Casey Court	PC recommended approval 8/28/13; CC approved proposal 9/25/13
Sunnyside Heights Addition No. 7 Preliminary Plat	divide 3.4 acres into 11 lots and public streets in R2 zone	north of intersection of SW Center Street and SW Panorama Drive	staff reviewing application
Askins Zone Change (Z-13-1)	revise R1 zoning on 27.9-acre site to R2 (9.0 acres), R3 (10.5 acres), and C3 (8.4 acres)	1903 SE Johnson Avenue	PC recommended approval 8/28/13; CC approved proposal 9/25/13
Zoning Code Amendment (Pigs)	code amendment to allow pigs in city	Citywide	CC directed staff on 8/27/13 to draft amendment to allow pigs with qualifications; staff developing standards
Zoning Code Amendment (Recreational Marijuana)	code amendment to regulate recreational marijuana facilities	Citywide	CC passed six-month moratorium 9/24/13; staff developing standards
Shoreline Master Program Update	revise city's Shoreline Master Program in collaboration with Whitman County	Citywide	city/county coordinating with consultant on scope of work and budget
Parks Shop Parking Lot Conditional Use Permit (C-13-1)	create 9 spaces in landscaped parking lot	north of South Street and west of South Fork of Palouse River	BOA approved permit 9/16/13
PBC/KIP Communication Tower Conditional Use Permit (C-13-3)	construct 160-foot-tall cell tower and related facilities	east of City Cemetery and south of Pullman Regional Hospital	staff reviewing application; probable BOA hearing on 10/21/13
College Hill Historic Property Inventory	use federal funds for an historic survey of about 50 properties	vicinity of NE Maple Street	consultant filed draft survey report 8/19/13; DAHP reviewing report
Downtown Historic Property Inventory Grant Application	use federal funds for an historic survey of about 40 properties	vicinity of Grand Avenue and Main Street	application submitted to DAHP 4/18/13; DAHP approved application 6/10/13
Palouse/Maple Streets Local Historic Register Nomination	list parts of Palouse and Maple Streets on the local historic register	Palouse and Maple Streets from Kamiaken Street to Whitman Street	staff reviewing nomination request; probable CC meeting in October
Veterans' Memorial Local Historic Register Nomination	list the Veterans' Memorial on the local historic register	northeast corner of NE Spring and E. Main Street	staff reviewing nomination request; probable CC meeting in October
Pimlico Apartment Complex Phase II site plan (13-4)	develop 188 apartments on 7.9-acre parcel	south of NE Terre View Drive and west of NE Brandi Way	staff approved site plan 9/16/13
940 Maple Street Addition site plan (13-5)	add four bedrooms to existing duplex	940 NE Maple Street Extension	staff requested applicant to revise site plan
Franklin Elementary School Addition site plan (13-6)	construct 6,500-square-foot addition to existing school to accommodate 6 new classrooms	850 SE Klemgard Avenue	staff approved site plan 9/5/13
Pullman Armory Renovation site plan (13-7)	renovation of existing building into retail space and 9 dwellings	540 E. Main Street	staff approved site plan 9/30/13
Valley Road Apartments site plan (13-8)	develop 6-plex on 11,675-square-foot lot	1245 NE Valley Road	staff requested applicant to revise site plan



Planning Department
325 SE Paradise St.
Pullman, WA 99163

Phone: 509-338-3213
Fax: 509-338-3282
Email: bethany.johnson@pullman-wa.gov

Pullman Planning Department Staff:

Pete Dickinson, Planning Director
Jason Radtke, Assistant Planner
Bethany Johnson, Public Works Administrative Assistant
Tracey Lane, Public Works Administrative Specialist

Planning Commission Members:

John Anderson, Vice-Chair
Marcus Crossler
Norma Crow
Dave Gibney
Ken Paulson
Liza Morris
Garren Shannon, Chair
Chud Wendle

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Pending Land Use Proposals (continued)

PROJECT	DESCRIPTION	LOCATION	STATUS
Golden Hills Multi-Family West site plan (13-9)	develop 24 apartments on two-acre site	south of SW Old Wawawai Road and west of SW Golden Hills Drive	staff requested applicant to revise site plan
Pullman Airport Repeater Project site plan (13-10)	install 40-foot-tall communication tower at water reservoir site	2902 Airport Road	staff reviewing site plan
Relay Application Innovation Office Building site plan (13-11)	construct 5,800-square-foot building on 83,445-square-foot lot	895 SE Clearwater Drive (south of Pullman Regional Hospital)	staff reviewing site plan
Medstar Hangar site plan (13-12)	add 1,300-square-foot mobile home to existing hangar	Pullman-Moscow Airport (7740 Airport Complex North)	staff reviewing site plan

KEY TO ZONING DISTRICTS: R1 Single Family Residential; RT Residential Transitional; R2 Low Density Multi-Family Residential; R3 Medium Density Multi-Family Residential; R4 High Density Multi-Family Residential; C1 Neighborhood Commercial; C2 Central Business District; C3 General Commercial; I1 Light Industrial; I2 Heavy Industrial; IRP Industrial Research Park; WSU Washington State University

KEY TO ABBREVIATIONS: CC: City Council; PC: Planning Commission; BOA: Board of Adjustment; HPC: Historic Preservation Commission; DOE: State Department of Ecology; DAHP: State Department of Archaeology and Historic Preservation

NOTES: 1) If an applicant fails to act on a pending application for a period of six months, said application will be dropped from the above list. 2) Numbers in parentheses are planning staff's internal file numbers. 3) Site plan review by city staff is generally conducted for proposed construction of developments other than single family homes, duplexes, or manufactured homes; it does not apply to most construction on the WSU campus.

