



Planning Department Newsletter

COMMISSION RECOMMENDS APPROVAL OF DRAFT MARIJUANA REGULATIONS

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The Planning Commission conducted a public hearing on January 29 to consider draft zoning code regulations related to recreational marijuana facilities in Pullman. After receiving public input, the Commission amended the draft standards slightly and voted unanimously to adopt a resolution recommending that the standards be approved by the City Council.

The city is taking action on this matter in response to the passage of Initiative 502 in November of 2012. This initiative, which passed with the approval of 55.7 percent of voters statewide and 60.6 percent of voters in Pullman, legalized limited use of marijuana by persons aged 21 and older, and provided for the production, processing, and sale of marijuana products. The measure set forth the basic parameters regarding recreational marijuana (as differentiated from medical marijuana), and directed the Washington State Liquor Control Board (LCB) to adopt rules by

December 1, 2013 to implement the initiative's provisions.

As reported in the September 2013 edition of this newsletter, the City Council on September 24 imposed a six-month moratorium on the establishment of any recreational marijuana sales, production, or processing facilities in Pullman. The Council made this decision to provide time for city officials to address the complexities of this new law and potentially craft city code provisions related to this topic.

Throughout most of last year, the LCB formulated draft rules with assistance from other agencies and the public at large. Its final rules became effective in November. The LCB states the objectives of these rules are to:

1. create a tightly controlled and regulated marijuana market;
2. include strict controls to prevent diversion, illegal sales, and sales to minors; and
3. provide reasonable access to products to mitigate the illicit market.

The specific rules outline the marijuana license application process, qualifications and requirements to obtain and maintain a marijuana license, and reporting requirements for a marijuana licensee. These extensive rules include the following provisions:

- allows production of marijuana indoors within a fully enclosed secure facility or outdoors if fully enclosed by a physical barrier
- limits the size of marijuana production based on a tier system, with license applicants choosing between Tier 1 (up to 2,000 square feet of plant canopy), Tier 2 (2,000 to 10,000 square feet), and Tier 3 (10,000 to 30,000 square feet); imposes a limit of two million square feet of plant canopy statewide
- as stipulated in Initiative 502, requires that no marijuana production, processing, or retailing license be issued for any property located within 1,000 feet of an elementary or secondary school, playground, recreation center, child care center, public park, public transit center, library, or any game arcade which is open to persons under 21 years of age
- imposes security requirements at marijuana facilities
- requires quality assurance testing of marijuana product by an independent laboratory
- prohibits marijuana retail outlets at a location with another business
- limits hours of operation for marijuana retail facilities to 8:00 a.m. to 12:00 a.m. (midnight)
- imposes transaction limits per retail customer (e.g., one ounce of usable marijuana per customer)

- prohibits consumption of marijuana on any licensed premises
- allows for no more than one sign per retail marijuana facility, and limits the size of that sign to a maximum of 1,600 square inches (approximately 11 square feet)
- allows for local jurisdiction comments/objections to license applications and renewals
- in accordance with Initiative 502, allows the LCB to determine the number of marijuana retail outlets allowed per jurisdiction (for Pullman, the LCB allotted a maximum of three retail outlets)

The LCB opened registration for all license types in November. The table below shows the number of license applicants for Pullman and the remainder of Whitman County (either in incorporated towns or unincorporated territory) based on data obtained on January 13, 2014 through the LCB website.

NUMBER OF LICENSE APPLICANTS FOR PULLMAN AND THE REMAINDER OF WHITMAN COUNTY AS OF JANUARY 13, 2014		
	PULLMAN	WHITMAN COUNTY
PRODUCER	0	22
PROCESSOR	1	16
RETAILER	10	1

The LCB is currently reviewing all of the applications received. Legal marijuana sales in Washington state could begin as early as June of this year.

Despite the passage of Initiative 502, and the adoption of rules to implement the initiative, 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 summer, the U.S. Department of Justice 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.

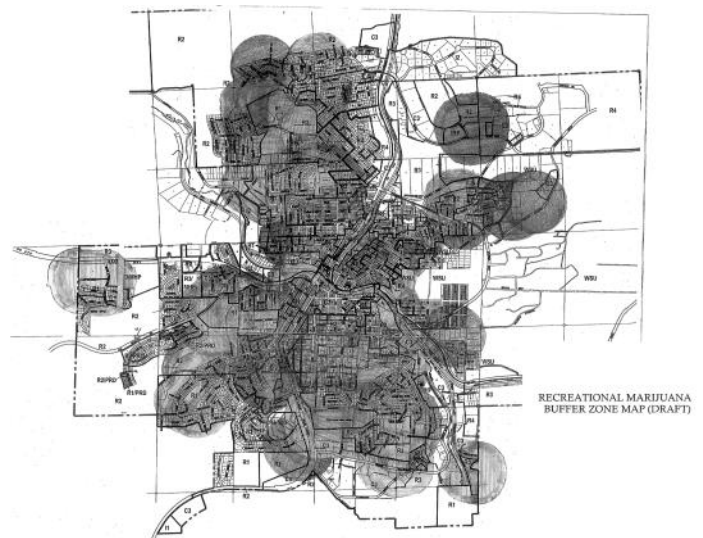
Light Industrial and I2 Heavy Industrial districts; and marijuana retail facilities would be permitted uses in the C3 General Commercial zone. The proposed regulations include off-street parking standards; restrictions on signs, advertising, and displays; provisions regarding abatement of odors and nuisances; a requirement that all recreational marijuana operations be conducted within a fully-enclosed building; a size limit for marijuana retail facilities of 6,000 square feet of net floor area; a mandate that marijuana facilities comply with all applicable development and administrative regulations (such as the city’s site plan review process); standards addressing nonconformities; and a statement regarding the purpose of the proposed provisions.

Some of the standards reiterate the state’s regulations where staff believed it was important to re-emphasize them in the zoning code. Included in this category are the limits on marijuana retail facility hours of operation and the 1,000-foot buffer requirement from “sensitive uses” such as schools and child care centers. With regard to the latter standard, planning staff has created a map to show buffer areas measured from the “sensitive uses” identified thus far in Pullman. This map is presented below. On this map, the dark areas represent the buffer areas.

Given the strong show of support for Initiative 502 by Pullman voters, city staff prepared draft regulations that would allow recreational marijuana businesses in this community.

Also, the Washington state Attorney General’s office issued a written opinion earlier this month stating that local governments are not preempted by state law from banning the establishment of an LCB-licensed marijuana facility within its jurisdiction. The Attorney General’s office commented further that a local government may establish land use regulations or business license requirements in a manner that makes it impractical for a licensed marijuana facility to operate within its jurisdiction.

Given the strong show of support for Initiative 502 by Pullman voters, city staff prepared draft regulations this month that would allow recreational marijuana businesses to operate in this community. Under the draft zoning code amendments, marijuana production and processing facilities would be permitted uses in the I1



When these draft standards were presented to the Planning Commission at its January 29 hearing, staff proposed that the provisions be adopted as interim regulations, to be effective for one year. Staff took this position to formally recognize that marijuana regulation at various levels of government is currently in a transitional state.

The Commission's discussion at the hearing focused on just a few points. First, Commission members decided to add a clause in the draft standards to note that, if the state adds more "sensitive uses" to the listing in the LCB rules, those "sensitive uses" would automatically be added to the city's list as well. Second, the Commission



The draft regulations would permit recreational marijuana outlets in the city's C3 zoning districts, located primarily on Bishop Boulevard (pictured here), Grand Avenue, East Main Street, Davis Way, and NE Terre View Drive.

debated at length the proposed size limit for retail facilities, concluding in the end that the 6,000-square-foot restriction presented by staff was acceptable. And finally, Commission members reached consensus that the draft provisions should be permanent rather than interim standards because it could easily take longer than one year for the state to resolve the matter of marijuana regulation (both recreational and medical),

At the hearing, two members of the public provided comments. One of the individuals was a citizen with no vested interest in the matter, and the other was a resident of Asotin who has applied for a recreational marijuana retail license in Pullman. Both people expressed support for allowing recreational marijuana facilities in this community.

The Commission did not want to obligate the city to any particular time frame for future code revisions. Planning staff expects to present the Commission's recommendation on these draft regulations to the City Council in February or March. Watch for updates on this subject in future editions of this newsletter.



City offices will be closed:



Monday, February 17, 2014 - President's Day





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; PC reviewed concepts 1/15/14 and scheduled further review for 2/26/14
Mary's Park Annexation	annex approximately 2.2 acres to city	southeast of Old Moscow Road/Johnson Avenue intersection	PC reviewed proposal 10/23/13; CC authorized submittal of hospital district annexation petition on 11/12/13; CC approved city annexation on 1/27/14
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	PC recommended approval 12/18/13; CC approved proposal on 1/27/14
Zoning Code Amendment (Pigs)	code amendment to allow pigs in city	Citywide	CC directed staff on 8/27/14 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; PC recommended action 1/29/14; CC meeting to be scheduled for February or March
Shoreline Master Program Update	revise city's Shoreline Master Program in collaboration with Whitman County	Citywide	public kickoff meeting held 12/4/13; consultant conducting shoreline inventory
Harrison and Windus Street Vacations	vacate portions of NW Harrison and NW Windus Streets	between NW Ritchie Street and N. Grand Avenue	staff conducting research; possible PC meeting to be held 2/26/14
Reaney Park Pool Spray Pad Conditional Use Permit (C-14-1)	construct 3,300-square-foot spray pad and attendant facilities	Reaney Park, 690 NE Reaney Way	BOA hearing scheduled for 2/24/14
College Hill Historic Property Inventory	use federal funds for an historic building survey	vicinity of NE Maple Street	consultant filed draft survey report 8/19/13; DAHP approved report 10/10/13; consultant presented findings at a 1/30/14 public meeting
Downtown Historic Property Inventory Grant Application	use federal funds for an historic survey of about 40 properties	vicinity of Grand Avenue and Main Street	DAHP approved application 6/10/14; CC approved contract 11/12/14; request for consultant proposals distributed 12/16/14
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	CC reviewed nomination on 11/12/14, and postponed action pending possible code revision
Veterans' Memorial Local Historic Register Nomination	list the Veterans' Memorial on the local historic register	northeast corner of NE Spring and E. Main Street	CC action deferred pending possible code revision
Valley Road Apartments site plan (14-8)	develop 6-plex on 11,675-square-foot lot	1245 NE Valley Road	staff requested applicant to revise site plan
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
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 approved site plan 1/17/14



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For any readers who are not currently receiving this newsletter by email and who wish to register for this service, please contact the planning department for assistance.

WE'RE ON THE WEB!
WWW.PULLMAN-WA.GOV

Pending Land Use Proposals (continued)

PROJECT	DESCRIPTION	LOCATION	STATUS
Washington State Dept. of Transportation Wash Building site plan (13-14)	construct 1,200-square-foot wash building	980 NW Davis Way	staff requested applicant to revise site plan
Sherwin Williams Commercial Building site plan (14-1)	demolish existing structure and construct 3,500-square-foot building	1225 S. Grand Avenue	staff requested applicant to revise site plan
Restaurant Addition to Bell Tower site plan (14-2)	add vestibule/deck and remodel 2,167 square feet of existing building	125 SE Spring Street	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.

