

being absent; she was unavoidably detained.

Both Mr. Finch and Ms. Kolde have expressed a willingness to pay the assessed fee for the property if the vacation is approved. At the time each owner purchased their property, neither realized that this right-of-way existed and it has become an impediment to clear title and clear use.

MOTION

Crossler moved to inform the City Council that the Planning Commission finds this vacation to be in conformance with the provisions of the Comprehensive Plan. Seconded by Wendle and passed unanimously.

REGULAR BUSINESS

Conduct a public hearing to review and recommend action on proposed interim zoning code amendments regarding recreational marijuana.

Shannon read the “Rules of Procedure for Legislative Public Hearings Before the Pullman Planning Commission” and called for the staff report.

Dickinson presented a Microsoft PowerPoint™ presentation showing a timeline from the approval of Initiative 502 (I-502) in November 2012 [passed statewide by approximately 56% of the electorate and in Pullman by approximately 61%]; the City Council moratorium imposed in September 2013 [which ends in late March 2014]; and the State of Washington Attorney General opinion released earlier this month [essentially stating that local governments can prohibit recreational marijuana facilities in their jurisdictions]. He did state that the Liquor Control Board (LCB) issued their final rules in November 2013, but he was informed today by the City Attorney that the LCB is proposing a few more changes to their final rules in response to questions put forth by applicants for the licenses.

Dickinson briefly detailed some of the rules proposed by the LCB, including the requirement for a 1,000 foot buffer around sensitive uses [including parks, schools, transit transfer stations, child care centers, game arcades that are open to people under the age of 21], and setting a maximum number of retail outlets in each community [for Pullman that maximum number is 3].

Dickinson explained that Draft Pullman Regulations as proposed would allow retail facilities in the C3 General Commercial Zone only. Production and Processing facilities would be allowed in the I1 and I2 Industrial Zones. He said staff is proposing that all marijuana facilities must be in a fully-enclosed building; they cannot be allowed in any building containing a residence; signs and displays are restricted and require a sign permit; no products or paraphernalia can be placed within 10 feet of a window; facilities are not allowed within 1,000 feet of sensitive uses; and they are not allowed to create odors or other nuisances. Additionally, retail facilities are limited to 6,000 square feet

of net floor area, cannot have a drive-thru or provide exterior sales, and hours of operation are limited to 8 a.m. to 12:00 midnight.

Dickinson stated that the Draft Pullman Regulations acknowledge that marijuana is illegal under federal law and the City standards are designed to comply with state law, and staff proposes that the regulations be implemented as interim regulations to be effective for one year.

DISCUSSION

Morris questioned the proposed size limit of 6,000 square feet for retail facilities. Anderson stated that he was opposed to putting the proposed zoning code amendments in place on an “interim” basis, but supported a goal to review the amendments in a year.

DICKINSON

Responded to Commissioner questions:

- Bus stops cannot be considered “public transit centers” per the “sensitive uses” listed in the RCW; Pullman has two “transit centers”, the transfer station at NW Davis Way and NW State Street, and the other at Thatuna Street.
- Trails cannot be considered parks and are excluded from the “sensitive use” list.
- The most numerous “sensitive use” in Pullman was child care centers; there are between 20 and 25 centers licensed with the Department of Social and Health Services; second was parks, with approximately 15.
- A recreational marijuana retail facility would be grandfathered in if it exists prior to a sensitive use within 1,000 feet.
- Consumption is not allowed in public places, or at the place of purchase.
- Churches are not considered “sensitive uses”.
- The State placed a limit of three retailers in Pullman, but did not place a limit on producers or processors.
- Staff reviewed regulations in other cities and found retail structure limits of 7,000 square feet.
- A retailer can only sell marijuana and marijuana-infused products. They cannot sell other items like snacks.
- A retail location can be adjacent to other commercial sites, so could be in a strip mall, but cannot be contained within another business or have interior access to another business.
- Retail marijuana licensees cannot deliver the product to an off-premise location.
- The state will issue a license for a specific location, not mobile operations.

SHANNON

Called for public input.

KEITH BLOOM
415 NW Maryland Court
Pullman, WA 99163

Stated that he hadn't planned to speak to this issue, but opined that the City of Pullman and the State of Washington are on the leading edge of a great experiment. He said he believes that many good people's lives have been ruined over the years due to previous circumstances involving marijuana and a lot of bad people have become rich through the illegal marketing of marijuana. With the proposed rules, there appear to be a series of checks and balances in place, and he believes that it is the right thing to do. He said he is even more in support of the production and use of hemp as fiber. He commented that 6,000 square feet for a retail facility seems too large.

KELLY JACKSON
1045 Liberty Drive
Clarkston, WA 99403

He stated that he was one of the applicants to the State Liquor Board for a retail marijuana license. He indicated that he had not intended to speak, but had come to find out where a retail location would be allowed within the City. He stated that he estimated 2,000 square feet of retail floor area would be ample and that parking would be a challenge if the retail operation was large.

SHANNON

Closed the public input portion of the meeting.

DICKINSON

Responded to a question by stating that the earliest marijuana sales are expected to occur is June 2014.

DISCUSSION

Commissioners discussed the appropriateness of referencing the WAC, specifically as it pertained to draft Pullman City Code (P.C.C.) section 17.35.080(13)(i), rather than listing out the sensitive uses, or at least adding a subparagraph (ix) that references the WAC as it might be amended to include other sensitive uses. After a discussion, Commissioners decided to add this subparagraph (ix) to the proposed regulations.

Commissioners discussed the proposed 6,000-square-foot size limitation for retail facilities. Anderson wondered what problem the proposed size limited might address; Dickinson responded that staff felt a reasonable size limit in scale with our smaller community was warranted; the state did not provide size limits for retail facilities, but did for grow operations. Dickinson also indicated that the signage limitation was dictated by the state. Morris suggested reducing the maximum size to 4,000-square-feet for retail facilities; Paulson and Crow supported her proposal. Anderson stated he was reasonably comfortable with the proposed 6,000-square-foot size limitation. Gibney and Wendle were inclined to strike the size limit. Clark stated that he was sympathetic with Morris' position, but felt that the 1,000 foot sensitive uses buffer would have a greater impact and that the parking requirements would also limit the size. Shannon stated that a reasonable limit is important and that the market will drive the size.

SHANNON

Polled the commission; five Commissioners supported a size limit on retail floor space. The Commission came to a consensus to stick with the proposed 6,000-square-foot limit. Anderson requested that the City Council be informed that a significant minority wished to impose a 4,000-square-foot size limit. Gibney requested that the City Council be informed that a significant minority supported having no size limit.

DISCUSSION

Following up on Anderson's earlier comment, Commission members agreed that the proposed regulations should not be interim in nature because it is uncertain when or if changes to the regulations would be called for, and the Commission did not want to obligate the City to address this matter again within the next year.

MOTION

Gibney moved to make the following changes to Resolution No. PC-2014-1:

- In the matter of Proposed ~~Interim~~-Zoning Code Text Amendments Involving Recreational Marijuana
- WHEREAS, the Pullman planning director ... regulations ~~on an interim basis~~ pertaining to ...
- WHEREAS, a public hearing was held ... in the proposed ~~interim~~ text amendments ...
- WHEREAS, this Commission has considered ... proposed ~~interim~~-Zoning Code text amendments
- The proposed Zoning Code amendments to Chapters 17.05 (Definitions), 17.35 (Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards), and 17.70 (Use Chart), included herein as Exhibit "A," are hereby forwarded to the City Council with a recommendation for approval ~~as interim regulations to be effective for a period of one year from the date they are adopted by ordinance of the City Council, during which time the Planning Commission would develop and implement a work plan in accordance with RCW 35A.63.220 for additional studies pertaining to these interim regulations and other matters related thereto.~~

Gibney further moved that the proposed Zoning Code regulations, amended with the addition of subparagraph 17.35.080(13)(ix) as previously discussed, be forwarded to the City Council with a recommendation for approval. Seconded by Anderson and passed unanimously.

UPCOMING MEETINGS

February 26, 2014 – no conflicts noted. College Hill Core Design Review Standards and a street vacation are likely to be on the agenda.

March 26, 2014 – Paulson has a possible conflict; no other conflicts noted.

April 23, 2014 – no conflicts noted.

MOTION Crossler moved to adjourn the meeting. Seconded by Wendle and passed unanimously.

ADJOURNMENT The meeting was adjourned at 9:26 pm

ATTEST:

Chair

Planning Director

Secretary