



# Planning Department Newsletter

## PLANNING COMMISSION RECOMMENDS MARIJUANA REGULATION AMENDMENTS

Last year, the Washington legislature revised state law to merge the largely uncontrolled medical marijuana system with the heavily regulated recreational marijuana program. This action prompted the Pullman City Council to direct the planning department to update applicable portions of the City’s zoning code. In order to provide city officials the opportunity to consider these regulation amendments while maintaining the status quo on marijuana operations, in November of last year, the Council imposed a six-month moratorium on the establishment of additional marijuana businesses in town. Two months ago, recognizing that more time would be needed to complete the process, the Council extended the moratorium to August 31, 2016.

The City adopted its initial zoning code standards to accommodate recreational marijuana facilities in 2014. To date, three retail marijuana shops have been permitted in Pullman, all of them located in the same vicinity on Bishop Boulevard. Currently, there are no marijuana production or processing businesses operating within the city limits.

The 2015 state law changes addressed several topics. Last year’s legislation required the Liquor and

Cannabis Board (LCB) to increase the number of available marijuana retail licenses in jurisdictions across the state to aid in the distribution of medical marijuana, and it authorized the LCB to issue a “medical marijuana endorsement” to marijuana retail licensees so they could offer medical marijuana to qualifying patients or their designated providers. The legislation also allowed for LCB-registered “cooperatives,” wherein up to four patients or providers may participate in the production and processing of marijuana for the medical use of its members. A maximum of 60 plants can be grown in a cooperative, and it must be located in the domicile of one of its participants. A cooperative must be located at least one mile from a licensed marijuana retailer, and it must be separated from sensitive uses, such as schools and parks. The updates to state law last year also authorized the LCB to grant licenses for marijuana research facilities, provided such facilities are separated from sensitive uses by at least 100 feet. In addition, for marijuana production, processing, and retail facilities, the legislation allowed local jurisdictions to reduce the buffer zone around certain sensitive uses from 1,000 feet to as little as 100 feet; the 1,000-foot buffer requirement was maintained in state law for schools and playgrounds.

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In December of 2015, the LCB determined the new allocations for marijuana retail facilities throughout the state. As part of this process, the LCB announced that a maximum of five retail licenses could be issued in Pullman.

Earlier this year, the Planning Commission devoted portions of two meetings to discuss these matters. At these sessions, the Commission offered advice to help planning staff create proposed zoning code revisions related to marijuana activities.

On June 22, the Commission conducted a public hearing to solicit input from community members and take formal action on draft zoning code amendments prepared by staff. Two citizens spoke during the proceedings. Linda Thompson, representing the Greater Columbia Region's Accountable Communities of Health, stated that her organization promotes the provision of marijuana through legal means, but it strongly advocates for preventing access to the substance by minors. In that regard, she expressed interest in wide buffer zones around all sensitive uses. Pat Waters of Port Orchard, Washington, informed the Commission that he owns a marijuana retail shop in his hometown. He opined that the state's marijuana operations are tightly controlled, and he mentioned that, even with reduced buffers around sensitive uses in Port Orchard, the system has been successful in keeping marijuana away from youth.

After accepting these public comments, the Commission discussed the draft amendments presented at the hearing. In the end, the committee recommended to the City Council a series of zoning code changes, summarized as follows:

- additional definitions related to recreational and medical marijuana
- allowance for marijuana cooperatives in all residential zoning districts
- provision for marijuana research facilities in the C2 Central Business District, C3 General Commercial, IRP Industrial Research Park, I1 Light Industrial, and I2 Heavy Industrial zoning districts
- expansion of the commercial zoning districts in which marijuana retail facilities would be permitted to include the C1 Neighborhood Commercial and C2 districts, in addition to the C3 zone in which they are currently allowed

- retention of the provisions allowing marijuana production and processing facilities in the I1 and I2 zoning districts
- establishment of two classes of sensitive uses, with Class A sensitive uses encompassing elementary schools, secondary schools, and playgrounds; and Class B sensitive uses encompassing recreation centers, child care centers, public parks, public transit centers, libraries, and game arcades that allow minors
- creation of separation requirements for marijuana research facilities and marijuana cooperatives in accordance with state law provisions



The newest marijuana retail shop in Pullman is "Satori," which opened this past April.

- reduction in the separation requirement from 1,000 feet to 100 feet between marijuana production, processing, and retail facilities and Class B sensitive uses
- allowance for signs at marijuana facilities in accordance with the zoning code sign regulations, except for marijuana research facilities and marijuana cooperatives, for which signage would be prohibited (as required by state law)
- additional minor text amendments to reflect applicable changes in state law

Planning staff anticipates bringing these recommended revisions to the City Council for a discussion at its meeting on July 12. The schedule then calls for potential Council adoption of relevant city code amendments at a public session in August.

## BOARD OF ADJUSTMENT TAKES ACTION ON AVALON CARE CENTER AND CHURCH SIGN

The Board of Adjustment decided upon a conditional use permit application and a zoning code variance request at its meeting of June 20. These proposals were considered by the Board at separate public hearings.

The conditional use permit application pertained to the relocation of the Avalon Care Center from its existing site on Military Hill to a lot in the Palouse Business Center Subdivision, situated south of the Pullman Regional Hospital and east of the City Cemetery. The proposal involves the establishment of a 53,000-square-foot building, a 45-space parking lot, and open space on a 4.8-acre parcel of land. About one-third of the structure is intended to provide for skilled nursing care, one-third would be used as assisted living areas, and the remainder is planned to be used for administration and support services. The subdivision is located within a C3 General Commercial zoning district.

At the hearing on this case, the project engineer offered remarks in support of the project. After a short discussion, the Board voted 5-0 to approve the request. The proposal will now proceed through the city's site plan review and building permit application processes.

The zoning code variance application related to a 73-square-foot "individual letter" sign proposed to be attached to the south wall of the Encounter Ministries church building at 190 SE Crestview Street. The zoning of the affected property is R1 Single Family Residential. The applicant requested that the individual letters of the sign be internally illuminated with LED lights. The variance application was demanded because the zoning code states that all lighted signs in residential districts are to be lit from an external source (e.g., a ground light directed at the sign).

The Board's hearing for this matter began on May 16. The proponents opened the testimony by offering statements intended to show how the request met the applicable variance criteria in the zoning code. Next, the owner of the parcel directly to the south of the church site across SE Crestview Street expressed opposition to the proposal on the grounds that the internal illumination of the sign would create light pollution and that a sign located in a residential district should conform to the residential zoning rules for the benefit of neighboring properties with the same zoning. The proponents responded by stating that the requested sign would likely cause less light pollution than one that was externally lit. In an effort to substantiate their claim, the proponents asked for a hearing continuance so they could provide a demonstration of the requested sign.



The site selected for the proposed Avalon Care Center is a 4.8-acre parcel located just south of the Pullman Regional Hospital property.

At the continuation of the hearing on June 20, the proponents presented their demonstration by displaying the proposed internal illumination of one of the individual letters with the lights turned off in the hearing room. After closing the public input portion of the hearing, the Board engaged in a rather lengthy deliberation before finally deciding, in a 3-0 vote, with one abstention, to grant the applicant's request.





## 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
Comprehensive Plan Revision	full-scale revision of city's Comprehensive Plan	Citywide	staff and consultant refining draft policies based on May public workshop
College Hill Design Review Standards	formulate design standards for new construction	College Hill Core	staff reviewing responses to recent stakeholder questionnaire
Shoreline Master Program Update	revise city's Shoreline Master Program in collaboration with Whitman County	Citywide	CC adopted Shoreline Master Program Update on 3/29/16; staff transmitted documentation for review by DOE
Marijuana Regulation Revisions	amend city regulations in response to state legislation	Citywide	PC recommended revisions on 6/22/16; CC discussion scheduled for 7/12/16
Germain Farms Annexation	annex 107-acre parcel to city	southeast of Wawawai Road/SR 195 intersection	PC recommended approval with instructions on 6/22/16; CC meeting scheduled for 7/12/16
Encounter Ministries Sign Variance (V-16-3)	allow internally illuminated wall sign	190 SE Crestview Street	BOA approved request on 6/20/16
Avalon Care Center Conditional Use Permit Application (C-16-1)	construction of 53,000-square-foot nursing care and assisted living center on 4.8-acre parcel	1060 SE Clearwater Drive	BOA approved request on 6/20/16
Udy Variance Application (V-16-4)	construct single family house with 10-foot front yard setback	2355 NW High Point Court	BOA public hearing scheduled for 7/18/16
Lawson Gardens Garden House Conditional Use Permit Application (C-16-2)	build 3,800-square-foot structure for events at Lawson Gardens	705 SE Derby Street	BOA public hearing scheduled for 7/18/16
Historic Preservation Grant Application	request federal funding for historic walking tour mobile application	downtown area	city submitted application 4/15/16; DAHP rejected application 6/6/16
Coulter Airport Hangar site plan (15-13)	construct 4,800-square-foot hangar with attendant facilities	Pullman-Moscow Regional Airport	staff approved site plan 6/27/16
Courtyard by Marriott Hotel site plan (15-19)	construct 122-room hotel with restaurant and meeting rooms	1295 NE North Fairway Road	staff reviewing revised site plan
Rima RV/Boat Storage Lot site plan (15-21)	establish 21,000-square-foot RV storage lot	1200 Block of SE Johnson Avenue	applicant withdrew application 6/22/16
Bestebreuer Triplex site plan (16-2)	construct triplex on 15,579-square-foot lot	540 SW Barnes Court	staff requested applicant to revise site plan
2440 Entry Remodel site plan (16-3)	construct 3,429-square-foot addition to SEL manufacturing building and reconfigure parking lot	2440 NE Hopkins Court	staff approved site plan 6/23/16

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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.





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PROJECT	DESCRIPTION	LOCATION	STATUS
Auto Body Supercenter Site Improvements site plan (16-6)	create 6,700-square-foot graveled area for equipment storage	2445 N. Grand Avenue	staff requested applicant to revise site plan
Hilltop Suites/Apartments site plan (16-7)	construct new building for 3 offices and 28 living units	310 NW Old Wawawai Road	staff requested applicant to revise site plan
SEL 2350 South Parking Lot site plan (16-8)	construct 150-stall parking lot	south of building located at 2350 NE Hopkins Court	staff requested applicant to revise site plan
Golden Hills West Phase II Storage Building site plan (16-9)	build 480-square-foot storage structure at apartment complex	635 SW Golden Hills Drive	staff approved site plan 6/16/16
Z Beta Building site plan (16-10)	build 100,000-square-foot structure on 5-acre parcel	1830 NE Schweitzer Drive	staff reviewing revised site plan
Cougar Red Distillery site plan (16-11)	remodel 4,000-square-foot building for restaurant/distillery use	1275 N. Grand Avenue	staff requested applicant to revise site plan
Pullman DT APU Generator Addition site plan (16-12)	install new generator and propane tank at existing telecommunications facility	472 NW North Street	staff reviewing site plan

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