



# City of Clarkston

City Hall: (509) 758-5541 • Police: (509) 758-1684 • Fire: (509) 758-8681 • Fax: (509) 758-1670

829 5th Street • Clarkston, WA 99403

## PLANNING COMMISSION

### AGENDA

March 19, 2012

CITY HALL  
829 5<sup>TH</sup> STREET

**CALL TO ORDER:            5:30 P.M.**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

February 22, 2012

**REGULAR BUSINESS:**

- A.     Review and Adopt Findings of Fact Supporting Extension of Moratorium of Collective Marijuana Gardens

**UNFINISHED BUSINESS:**

**COMMUNICATIONS:**

- A.     From Public
- B.     Written
- C.     From Planning Commission
- D.     Staff Reports

**ADJOURN:**



**TREE CITY USA.**

**CITY OF CLARKSTON**  
**PLANNING COMMISSION MINUTES**  
**February 22, 2012**

**CALL TO ORDER:** 5:30 P.M., Clarkston City Hall, Chair Murray  
**ROLL CALL:** Bob Gilbertson, Larry Moser, John Murray, Jim Merrill, Margo McCroskey

Staff: Jim Martin, Vickie Storey, Joel Hastings, Jon Coe, Jim Grow, Steve Cooper

**APPROVAL OF MINUTES:**

Minutes of the January 17, 2012 meeting were approved on a motion by McCroskey/Merrill. Motion carried.

**PUBLIC HEARINGS:**

**REGULAR BUSINESS:**

**A. Collective Marijuana Gardens**

Murray recapped the discussion from the last meeting. Several questions remained unanswered so the city attorney, Jim Grow, and Officer Jon Coe were invited to provide more information.

Murray asked how much space would be needed to grow 45 plants. Coe said that marijuana plants can grow as high as 15 feet and can spread to 10 feet wide. He said most grows he has seen keep the plants smaller, maybe 5 x 3. He said the female plant is the most desirable because it produces the seeds. The size requirements vary widely from grower to grower.

Coe said that as much as 90% of the possession contacts the department makes have medical marijuana cards. He said they are quite easy to obtain. Washington law allows practitioners other than medical doctors to issue cards. That would include osteopaths, naturopaths, chiropractors. The age range is all over the board.

Merrill commented that many of the holders of medical cards are not really sick. Coe said that the active ingredient in marijuana has been available in prescription medication for years. But smoking does not give a regulated dosage. The amount of THC (the active ingredient) depends on the quality of the marijuana and how much is smoked.

McCroskey clarified that it is possible to have another person grow for you if you have a card but do not have the means to grow your own. But the grower cannot legally sell it to the person using it.

Coe said they often grow up to the capacity of the house or building being used. Often a basement will be filled with the grow operation, or a bedroom or garage will be used. The grower normally lives in the grow house for security reasons. It is likely that most medical growers are also selling, but that is difficult to prove. Gilbertson asked if the majority homes being used are older, smaller houses. Coe said it is all across the spectrum.

Coe said that two case where someone has broken into a grow house and stolen the marijuana have been prosecuted recently. Chief Hastings said that people who grow a small amount strictly for their own use probably never come to the attention of the police department.

Merrill asked if the city could just eliminate the collective grows in the city limits. Chief Hastings said the city could then be at risk for lawsuits since the state has made it legal. But, growing marijuana is still illegal by federal law. Hastings passed out a new document that indicates that the US Attorneys office will not consider Washington state employees immune from prosecution under federal law.

Moser said he believes it should be illegal within one mile of a school.

Grow commented that he doesn't know how a state can compel a city to violate federal law. But there is no case law yet.

Moser said he sees no problem with taking a hard stand. He asked what kind of documentation is required. Coe said the documents are supposed to be unalterable, but they are available on the internet.

Coe explained that it is expensive to grow. People will tap into electricity to circumvent the meter which is dangerous. The fumes from the plants have to be vented. The fans, humidifiers and lights required to grow indoors can cost \$300 - \$600 for a 15 plant grow. Coe said the plants grow quickly and can form buds within 2 - 3 months. Bypassing the electrical safety system is a fire hazard.

Murray commented that there is also a criminal element targeting the grows. He asked the members if they feel this is a use that is not appropriate for a residential area. Coe said the law does not allow a grow to be in public view so it has to be grown indoors.

Chief Hastings suggested the moratorium be extended, which would give the city an opportunity to monitor what is happening around the state. He said some cities have zoned to allow grows only in commercial or industrial zones. Moser

asked if a license or permit would be required. That would be a way to track locations and regulate them. But issuing a license or permit can also expose the city to federal impacts.

Staff was directed to prepare findings of fact to continue the moratorium for an additional six months while the city continues to research the impacts.

**B. Tri-State Hospital Annexation – Discussion**

PWD Martin explained that part of Evergreen Estates is in the county and part is in the city. He has talked with the management of Tri-State and they have indicated their desire to annex all the property into the city. He recommends the city move forward with annexation to eliminate issues that can occur with the property being located in two jurisdictions. He said there is also a parcel at Highland and Belmont that is an isolated island that did not get annexed when other property around it was annexed. It will be included in the request.

It will come to the Planning Commission when an application has been received.

The next meeting will be on March 19 to review and take action on the findings and recommendation to council.

**COMMUNICATIONS:**

**Planning Commission:**

**Staff:**

**ADJOURNMENT:**

Meeting adjourned at 6:33 p.m.

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John Murray, Chair

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CLARKSTON**

RE: )  
Collective Marijuana Garden Moratorium )  
 ) FINDINGS OF FACT  
Planning Commission, action ) CONCLUSIONS OF LAW  
 ) AND DECISION  
 )

This matter having come before the Planning Commission of the City of Clarkston, Washington on January 17 and February 22, 2012 for discussion of possible use of property in the City for Collective Marijuana Gardens as described in State of Washington Statutes. The Commission having heard the staff reports from Police Department undercover staff, the City Attorney, and Public Works Director, on the matter, issues the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. The Clarkston City Code section 17.45.050 establishes the Planning Commission duties to advise the City Council on issues that promote the orderly physical development and growth of the City.
2. The Planning Commission and staff recognize the need to address Collective Marijuana Gardens in the City Municipal Code.
3. The City of Clarkston has a moratorium in place and the State is currently dealing with said Gardens.
4. The Planning Commission conducted intensive discussion and review of the issue on January 17, and February 22, 2012.
5. The Planning Commission took testimony from the city staff and the public.
6. As a result of the testimony, the Planning Commission has determined that it would be in the best interest of the City to extend the existing moratorium for a period of six (6) months for the following reasons:

A) The extension of the moratorium will allow additional time for the State of Washington to address the issue.

B) Allow for municipal legal teams to review and make informed judgments relating to how these proposed gardens shall be addressed for their municipality.

C) Legislative actions during the moratorium could determine how Collective Marijuana Gardens may be regulated throughout the State.

**CONCLUSIONS OF LAW**

1. The proposed moratorium would be beneficial to the decision process by allowing additional time for a review of the controversial matter. Based on the foregoing Conclusions, the Planning Commission hereby enters the following:

**DECISION**

1. A moratorium extension of six (6) months is suggested to City Council as a means to properly address the matter with additional information.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

PLANNING COMMISSION  
OF THE CITY OF CLARKSTON

By: \_\_\_\_\_  
John Murray, Chair

ATTEST: \_\_\_\_\_  
Vickie Storey, City Clerk