

**CITY OF PULLMAN
PLANNING COMMISSION
Regular Meeting Minutes
October 27, 2010**

The City of Pullman Planning Commission held a regular meeting at 7:30 p.m. on Wednesday, October 27, 2010, in Council Chambers, City Hall, 325 SE Paradise, Pullman, Washington with Chair Stephen Garl presiding.

ROLL CALL: Present: Anderson, Bergstedt, Crow, Garl, Gibney, Alred, Shannon, Wendle
Excused: Paulson
Staff: Dickinson, Johnson

GARL Called the meeting to order at 7:30 pm and called roll.

MOTION Shannon moved to accept the minutes of October 6, 2010 Special Meeting as submitted by Staff. Seconded by Crow and passed unanimously.

REGULAR BUSINESS Dickinson stated that on October 18, 2010, Steve Mader filed a "Notice of Intent to Annex Real Property" with the city. This proposal is essentially the same annexation as previously applied for in July 2010; the applicant learned in the midst of the earlier process that he did not control the necessary percentage (60 percent) of the assessed value of the property involved to advance his proposal under the assessed valuation method of annexation. This new application is submitted under the acreage/registered voters method, an alternative procedure. The new proposal also involves a slightly larger piece of land, approximately 510 acres versus approximately 506 acres, because the applicant has added the adjacent Albion Road right of way and the parcel at the northwest corner of Albion Road and State Route (SR) 27, as requested by the Planning Commission and City Council. The parcel under consideration was recently rezoned R1 for 134 acres, R2 for 299 acres, I1 for 62 acres and C3 for 15 acres. Staff has reviewed the proposal and recommends approval with three standard annexation conditions: 1) the petitioner shall assume his proportionate share of city indebtedness upon annexation as determined by the city finance director; 2) the petitioner shall accept the rezone designations for the subject property to become effective immediately upon annexation; 3) the petitioner shall initiate proceedings for annexation to Whitman County Hospital District No. 1A prior to the City Council public hearing on this annexation proposal.

Dickinson answered questions regarding the location of the USDA

research facility, which is outside the subject property; the annexation of Albion Road, which does not confer ownership of the property as it will remain public right of way, but does transfer the maintenance responsibilities for the roadway to the City.

GARL

Asked for public input; no response.

MOTION

Shannon moved to find the proposed annexation consistent with the Comprehensive Plan and recommend to the City Council that the property be annexed subject to the three conditions developed by planning staff. Second by Crow and passed unanimously.

REGULAR BUSINESS

Accept a presentation by WSU student Laurissa Hale on her study related to locating large retail establishments in the downtown area.

Dickinson introduced Laurissa Hale, a WSU student pursuing a master's degree in architecture.

Laurissa Hale presented the findings of her study on the feasibility of locating large format retail in Pullman's downtown district. After Commission members asked several questions about the presentation, Garl thanked Ms. Hale for providing the information, requested that a copy of the presentation be provided to Dickinson, and suggested that a copy of the presentation be provided to the Chamber of Commerce.

REGULAR BUSINESS

Conduct a discussion regarding potential revisions to the city of Pullman's urban growth area, related Comprehensive Plan policies, and prezone map.

Dickinson stated that the Urban Growth Area (UGA) is the area the city establishes for future urban growth. Apologized for the delay in bringing the subject back before the Planning Commission. In April 2009, the Planning Commission held a public forum. In July 2009, the Commission had a discussion in which they provided direction to staff as to how to revise the map. Now, in October 2010, staff is getting back to the Commission with revisions to the map based on that direction.

Dickinson explained the revisions made to the map:

- North of College Hill and the airport, staff reduced the size of the High Density Residential (HDR) area and added Low Density Residential (LDR) to the rest of that space along Kitzmiller Road.
- LDR area has been added to the southeast side, along Old Moscow Road and Sunshine Road.
- The HDR area to the southeast of the city has been reduced in size and brought off Old Moscow Road so that on either side of Old Moscow Road you have LDR.
- IC Industrial Commercial area south of the city has been extended down to the south along the proposed south bypass area.
- Extended LDR west of Highway 195.
- No change in the LDR area to the west of Military Hill.

- Included the area being referred to as the Mader Annexation.

Informed Commission that there is also the need to address the pre-zones for this area and get more specific before holding a public hearing.

Answered questions regarding appearance of fairness rules and application of such to this matter; inclusion of the controversial area west of Highway 195 at Commission request to engender discussion with the public and the County.

DISCUSSION

Commissioners discussed the desire to be involved with development in the area of Highway 195, especially as it might impact the entrance to Pullman, and additionally the concern with the city being ringed with large-lot developments that could potentially block growth of the City. Clarified that the UGA will not, by itself, expand the city limits, but instead indicates that the City would like some influence in how that area is developed.

DICKINSON

Reminded Commissioners that another point of discussion in 2009 was that if the City is going to control a corridor, and potentially develop utility lines in it, then it makes sense to have development on both sides served by City utilities. Stated that the basic purpose of an UGA is to provide for future growth.

LANCE MITCHELL
20992 SR 195

Stated he lives on the west side of Highway 195 Bypass, that he has never lived in the city, has no desire to live within the city limits. Stated that he spoke with Mark Workman and opted not to purchase land closer to the city because of possible development of the Ring Road through that property. Explained that his property is south of Old Wawawai Road, but north of where 195 curves to meet up with Highway 27.

DON SHEARER
445 Country Club Road

Stated that he owns property on Country Club Road, located south of Mr. Mitchell's property. Questioned whether anybody has spoken with any landowners in that area and had any positive response to the city's UGA proposal. Expressed the concern that City did not have a good relationship with Whitman County.

GARL

Clarified that this is not an annexation, and that any annexation would be a separate action and would only occur if the majority of property owners, either by valuation or by acreage method, asked for it.

DICKINSON

Explained that the city has a good relationship with the county and that developing an UGA always engenders discussion. Answered questions regarding population growth estimates. Clarified that there

was an annexation, made at the County's request, to annex land along Wawawai Road that was against land-owner requests, but the City worked with those owners to come to a resolution. Stated that to his knowledge, the City has never initiated an unsolicited annexation.

Stated that the HDR off Kitzmiller Road encompasses all of the cluster residential development to the north of the city. Stated that there are numerous reasons for developing HDR in that area, but opined that there may be significant opposition. Contrasted that with Old Moscow Road and explained that all current residential development in that area is encompassed within LDR.

DISCUSSION

Shannon suggested that a similar approach be taken along Kitzmiller Road as was taken along Old Moscow Road. Garl requested to see a map showing the location of the development along Kitzmiller in relation to the proposed UGA. Anderson opined that HDR and LDR are not incompatible provided you begin in HDR and move out to LDR, and expressed concern about the HDR extending so far to the northeast. Gibney opined the Commission should acknowledge existing development at Kitzmiller Road.

GARL

Asked for input regarding UGA on both sides of Highway 195.

DISCUSSION

Bergstedt suggested keeping it to encourage discussion with the county regarding development. Anderson said the real priorities for entrance to Pullman would be the intersections of Highway 195 with Davis Way and Wawawai Road, and the portion of Highway 195 between those intersections is of higher priority than the portion south of Wawawai Road. Garl clarified that both the north and south bypasses are strictly proposals with no concrete plans. Anderson stated that the state owns right-of-way for the north bypass, but clarified that no such right-of-way is owned for the south bypass. Gibney clarified that there is no assumption that any of this area will be annexed, but opined it is important and reasonable to show an interest in how that area is developed. Alred stated that she appreciates residents' concerns and that she grew up in the country, but is in favor of the map proposal as it relates to the area along Highway 195.

DICKINSON

Answered questions regarding the Gary Kopf presentation in 2009 and inclusion of his land in the UGA in the southeast corner of the map.

DIRECTION

Commissioners requested that Dickinson:

- Check with the airport regarding noise regulations and impact on LDR in the northeast corner of the map and eventual airport realignment.

- Provide pre-zone designations on a map for future discussion.

REGULAR BUSINESS

Conduct a discussion regarding the Commission's public hearing procedures.

Dickinson stated that this discussion is a self-assessment exercise, with three main points of staff concern: 1) A decision made at the College Hill Historic District re-zone hearing on the part of the Planning Commission to curtail or prohibit people from reading letters that were already in the record; 2) A revision to the "Rules of Procedure for Quasi-Judicial Public Hearings Before the Pullman Planning Commission" (Rules of Procedure) prepared by staff at the request of Chairperson Garl; 3) Comments or suggestions from Commissioners on how best to distribute the "Information Sheet for Those Attending Quasi-Judicial Public Hearings of the Pullman Planning Commission" (Information Sheet).

DISCUSSION

Garl opined that the edits to Paragraph 2 of the Rules of Procedure are a good clarification.

Anderson asked how much of the Planning Commission procedure is written into state law; Dickinson answered that the law is fairly open-ended in terms of how the Planning Agency, defined as the Planning Commission and appointed staff together, conducts their business at a hearing with clearest definition in state law concerning adequate notice of a public hearing, including at least a certain number of days notice and notice provided in a particular way, i.e. publication in a newspaper, mailing to property owners within 300 feet, etc.

Anderson stated his remembrance was that the City's insurance carrier asked that people take an oath or affirmation before speaking, and that the City Attorney at the time wrote the procedures. He opined that most of the procedures make sense, with the exception of neutral parties only having one opportunity to speak. Stated that his primary concern is how a member of the public sees the process, and opined that it can be quite intimidating to get up to speak and that the opportunity to provide written testimony is highly important.

Garl asked for input on individuals reading written submittals verbatim into the record. Shannon and Crow are against reading written submittals verbatim. Gibney agrees that if it was submitted in time to be included in the packet to Commission members, it does not need to be read verbatim. Bergstedt opined against the re-reading of items in the packet, and for any written submittals during the meeting be summarized and not read verbatim into the record. Gibney opined that new written submittals should be allowed to be read. Alred questioned the acceptance of written submittals during the meeting if the public has the opportunity to speak. Anderson questioned the

value of receiving something that can't be read by the Commission members during the meeting, and opined that the Commission needs to be aggressive about enforcing the rules it has.

EILEEN MACOLL

Submitted a written letter responding to the Staff Report. Stated points of most concern are:

- Absolutely have to have clarification between quasi-judicial and legislative hearings; they function very differently, and the public hearing portion of those hearings functions differently. People need to know which one they are coming into, which one they can prepare for.
- Time limits are at the discretion of the body; the chair or the collective body. However, her group's time-keeper has timed citizens speaking for 22 ½ minutes, and she thinks that is probably way too taxing for everyone, including the babysitters of the young children at home.
- Anderson brought out an excellent point about people being anxious when they come into these chambers. For many of these people, this is a once in a lifetime experience. So all participants have to bear that in mind and it needs to be a positive, educational experience.
- There is nothing in state law about what the rules are for these hearings. The body has to come up with them and make them clear.
- The heading of the Information Sheet is confusing.
- If people show up to speak, they should be allowed to speak. If we have to set time limits, we have to set time limits.
- The question of whether you accept written material from someone when they come in to the meeting to speak is covered in Roberts Rules of Order (Roberts). Those rules state that a committee must accept written material. Should the Commission choose to write different rules, those rules can supersede Roberts, but unless they are written, Roberts is the parliamentary authority.

DISCUSSION

Anderson clarified that, regarding the time limits, the clock stops running when the Commission starts asking questions. Gibney requested that a copy of the Planning Commission bylaws be placed on the City website. Dickinson explained that the "Appearance of Fairness" questions were developed by a former City Attorney. Dickinson asked if the term "pecuniary" could be revised; general consensus from the Commission was that a change can be made.

Garl opined that if there were a pre-meeting sign-up roster, then the speaking would be controlled by who was on the list. The sign-up sheet could be placed on the table next to the wall, the people sign up,

when the Chair calls their name that person comes up to speak, additional speakers not on the roster could be called if there is sufficient time.

DIRECTION

Commissioners asked that Dickinson:

- Put the Planning Commission by-laws on the website.
- Draft revised language for the quasi-judicial hearing rules.
- Provide an introductory paragraph for the rules regarding legislative and quasi-judicial hearings.
- Set up guidelines for legislative public hearing
 - Reduced length of rules, but set some ground rules for speaker time limits,
 - Reading letters already in record
 - Staff report
 - Say time limits will be imposed if necessary
 - May speak a second time only if there is time
- Provide a sign-up roster prior to meeting start – sign up by the beginning of that particular hearing, or can't speak.
- Focus on time limits

ANITA HORNBACK

Requested that there be clarification regarding reading of written submittals.

UPCOMING MEETINGS

Dickinson stated that if there is a meeting in November, it would be a Special Meeting on November 17, not the Regular Meeting of November 24. No Commissioners in attendance expressed any concerns.

Dickinson stated that it is unlikely there will be a meeting in December, but if there were it would be a Special Meeting on December 15, not the Regular Meeting of December 22. No Commissioners in attendance expressed any concerns.

January 26, 2011, Regular Meeting. No Commissioners in attendance expressed any concerns.

ADJOURNMENT

Crow moved to adjourn the meeting. Seconded by Wendle and passed unanimously. The meeting was adjourned at 10:02 pm

ATTEST:

Chair

Planning Director

Secretary