

CITY OF PULLMAN

Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163 (509) 338-3220 or (509) 338-3213 Fax (509) 338-3282 www.pullman-wa.gov

MEMORANDUM

TO:

Pullman Planning Commission

FROM:

Pete Dickinson, Planning Director

FOR:

Meeting of April 28, 2010

SUBJECT:

Proposed Zoning Code Text Amendments

Required Material for Zoning Code Applications

DATE:

April 19, 2010

BACKGROUND

In 2009, Pullman's insurance carrier, the Washington Cities Insurance Authority (WCIA), performed an audit of the city's land use procedures. Fortunately, the audit resulted in very few mandates, and the city was complimented on its solid risk management record. However, one of the deficiencies cited by WCIA was a clause in the subsection of the zoning code related to application requirements. This subsection [Pullman City Code Subsection 17.175.030(3)] sets forth a list of materials that are required to be submitted for each zoning code application (e.g., a request for a zone change or a conditional use In addition to demanding specific items, such as the applicant's contact information and an application fee, the aforementioned subsection also states that the applicant may be required to provide "further information" for an application at the discretion of city staff, the Board of Adjustment, the Planning Commission, or the City Council. WCIA objected to the open-ended nature of this provision, indicating that it could potentially be used to extend an application process indefinitely. comments, WCIA stated that, "since an applicant vests at the time of a complete application, it is important that the City's codes and policies clearly identify and define when an application is complete." WCIA noted that failure to comply with its mandates could result in a financial penalty to the city.

The provision in question was included in the zoning code in 1987 to provide city officials with flexibility regarding application requirements since different projects can vary substantially in scope and intensity. Planning staff fully appreciates the concerns of WCIA and recommends that the subject regulation be deleted. For more significant

projects, the city will retain the opportunity to require additional information (e.g., a traffic study) through the State Environmental Policy Act process when this additional information is deemed necessary to evaluate the potential environmental impacts of a proposed development.

Using the latitude afforded by the clause that is now proposed to be deleted, the planning department has commonly required applicants to provide a plot plan and findings of fact for pertinent applications. With the recommended elimination of said clause, planning staff is proposing that these demands for a plot plan and findings of fact be specifically added to the application requirements subsection. The detailed code amendments suggested for approval by planning staff are cited in Draft Resolution No. PC-2010-2 (attached).

Pullman City Code Section 17.120.020 states that the following questions shall be considered by the Planning Commission and City Council in reviewing a proposed zoning code amendment:

- (1) Is the amendment consistent with the Comprehensive Plan?
- (2) Is the amendment reasonable and does it substantially promote the public health, safety, or welfare?
- (3) Is the amendment in the best interests of the residents of Pullman; and if so, how?
- (4) Has sufficient change in economic, technological, or land use conditions occurred to warrant modification of this text?
- (5) Is the amendment necessary to correct an error in this Title, or clarify the meaning or intent of this Title?

In preparation for the Commission's review of this matter, staff prepared a formal Notice of Public Hearing. This notice was published in the <u>Moscow-Pullman Daily News</u> on April 17, 2010.

The action requested of the Planning Commission is to accept public input on the proposed zoning code amendment, review and discuss the proposed amendment, and recommend to the City Council that it be approved, approved with modifications, or denied.

Attachment

BEFORE THE PLANNING COMMISSION FOR THE CITY OF PULLMAN

In the Matter of a Proposed Zoning) Resolution No. PC-2010-2
Code Text Amendment Involving)
Zoning Code Application) A Resolution Representing the
Requirements) Official Determination of the
•) City of Pullman Planning Commission

WHEREAS, the Pullman Planning Commission initiated a case to revise zoning code regulations pertaining to zoning code application requirements; and,

WHEREAS, a notice of the Planning Commission public hearing on this matter was published in the Moscow-Pullman Daily News on April 17, 2010; and,

WHEREAS, a public hearing was held before the Planning Commission on April 28, 2010 in the Council Chambers at City Hall, SE 325 Paradise Street, Pullman, Washington, at which time public comment from persons interested in the proposed text amendment to Zoning Code Chapter 17.175 was solicited; and

WHEREAS, this Commission has considered questions (1) through (5) contained in Pullman Zoning Code Section 17.120.020 regarding the proposed Zoning Code text amendment;

NOW, THEREFORE, the Planning Commission for the City of Pullman hereby makes and enters its formal

Recommendation

Chapter 17.175 (Application and Staff Review) should be amended in accordance with the attached legislative draft (Exhibit "A").

Resolution No. PC-2010-2 Page 2

DATED this	day of	, 2010.	
		Chair Pullman Planning Commission	
		ATTEST:	
		Planning Director	
<u> </u>	2010.	rovisions of P.C.C. 17.180.040 this	
RECEIVED by th	e Mavor th	his day of	, 20
d certified by the Fina	nce Direct	tor as to the date of receipt thereof.	•
		Mayor	

DRAFT ZONING CODE TEXT AMENDMENTS PULLMAN CITY CODE SECTION 17.175.030

17.175.030 Application.

- (1) Filing. All applications except those filed under the provisions of Chapter 17.100 shall be filed with the planning department unless a state statute or rule requires otherwise. The planning department shall provide the appropriate application form. Application fees as set by City Council resolution shall be paid to the city at the time of filing the application.
- The city planner shall review all Date of Filing. (2) applications and accept for filing only those which include all the information required for the specific application being submitted. The date of filing shall be the date the application is accepted as complete processing. an Environmental When required Proposed Negative Statement is or a pursuant 16.39 Declaration is made to Chapter Environmental (SEPA) Procedure, the date of filing shall be the day on which the Final Environmental Impact Statement is filed by the applicant or the Final Negative Declaration is filed by the director.

(3) Required Material.

- (a) The applicant shall provide the following information for all applications:
 - (i) the applicant's name and address; and,
 - (ii) the owner's name, address, proof of ownership, and written consent if the applicant is not the owner.
- (b) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, variances, and townhouse developments shall provide the location by address and legal description of the site.
- (c) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide a list of the names and mailing

addresses, as shown on the records of the County Assessor, of the owners of property and the street addresses of the property within three hundred (300) feet of the boundaries of the project site.

- (d) Applicants for conditional use permits, special use permits for historic structures, and variances shall provide a plot plan that shows the proposed layout of site development.
- (e) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide written findings of fact related to the application.
- $\frac{(f)}{(d)}$ An application fee established pursuant to 17.10.060.
- (e) The applicant may also be required to provide further information required by this Title, the staff, Site Plan Review Committee, board of adjustment, planning commission, or City Council in order to properly review an individual application.
- (4) <u>Initiation</u>. The city or a representative thereof, or an owner or authorized agent thereof may file an application relative to a particular property. Applications for text amendments shall be initiated only by application of the city planner, or motion of the planning commission, or motion of the City Council.