


# 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](http://www.pullman-wa.gov)

### MEMORANDUM

TO: Pullman Planning Commission

FROM: Pete Dickinson, Planning Director 

FOR: Meeting of April 22, 2009

SUBJECT: Public Forum on Pre-Application Meetings

DATE: April 16, 2009

In October of 2007, the Pullman League of Women Voters presented to the City Council and Planning Commission a proposal for land use development pre-application meetings. The proposal would require real estate developers to publicize and hold a community meeting to gather input and answer questions about major projects before submitting formal applications to the city. The most recent version of the League's draft ordinance is included herein as Attachment "A."

As a follow-up to its 2007 activities, the League asked the Commission last summer to place this matter on its agenda for consideration. The Commission agreed, deciding at its August 27 meeting to entertain the proposal on October 22, and to ask for input from the city's legal staff regarding the subject.

During its October 22 session, the Commission heard comments favorable to the proposal from several individuals associated either with the League or with neighborhood associations. These citizens said the ordinance would facilitate information sharing, and it would offer a stage for civil discourse involving all affected parties that would help to avoid subsequent opposition and lawsuits. League members suggested that the program could be introduced on a trial basis, subject to a "sunset clause" that would allow for termination in a couple years if the arrangement proved to be problematic. For the October 22 meeting, in accordance with the Commission's direction, staff also presented a memorandum from city attorney Laura McAloon related to this matter (See Attachment "B").

In its discussion of the issue on October 22, the Commission concluded that the proposal has merit, but there are several potential pitfalls that must be explored prior to making any sort of recommendation on the matter. Commission members raised issues such as increased costs and delays for developers, ascertaining appropriate project threshold levels that would trigger a pre-application meeting, possible conflicts with the Washington state law that mandates no more than one public hearing be held for each real estate development, and potential interference with the "vested rights doctrine" which ensures that a developer can build a project under the rules in place at the time a complete application is filed with the city. At the end of the session, the Commission asked staff to: a) solicit input from real estate developers in communities that already have pre-application meetings, and b) invite a broad spectrum of affected local citizens to attend a public forum before the Commission to speak about the proposal.

In February, the city received a letter from League Chair Karen Kiessling in which she responded to Ms. McAloon's memorandum. This letter is included as Attachment "C."

In March, planning staff concluded its survey of land developers in jurisdictions where pre-application community meetings are an existing requirement. Staff's notes from those discussions are provided as Attachment "D."

Near the end of March, planning staff began its notification process for the Commission's upcoming public forum. It released an article about the event (See Attachment "E") in the March 31 edition of the Planning Department Newsletter (which is distributed by email to approximately 140 individuals). Then, earlier this month, staff wrote a notification letter (See Attachment "F") that was mailed to 127 addresses, including parties associated with the League, neighborhood associations, real estate companies, land development, the Chamber of Commerce, local businesses, economic development agencies, Washington State University, and public interest groups.

As of the date of this memo, the planning department has received several letters in response to the public forum notices. The correspondence submitted thus far is as follows:

- Letter from Charles L. Dotson, dated April 9, 2009 (See Attachment "G")
- Letter from Alice L. Schroeder, dated April 12, 2009 (See Attachment "H")
- Letter from Lucille Linden, dated April 14, 2009 (See Attachment "I")

The purpose of the upcoming public forum, as stated above, is to accept citizen input on the League's proposal for pre-application meetings. Given that there will likely be a substantial amount of information presented at the forum, staff suggests that the Commission postpone a recommendation on this matter until a later date when it has

taken the time to digest all of the input received. Although the final outcome of this process is open-ended at this point, some of the most likely options for an eventual Planning Commission recommendation are: adoption, adoption with modifications/conditions, deferral, or dismissal.

### ATTACHMENTS

- "A" Pullman League of Women Voters Draft Pre-Application Meetings Ordinance
- "B" Memorandum from Laura D. McAloon, dated October 10, 2008
- "C" Letter from League Chair Karen Kiessling, dated February 10, 2009
- "D" Pre-Application Meeting Survey Responses
- "E" Article from March 31, 2009 Planning Department Newsletter (Page 1 only)
- "F" Notification letter for Planning Commission public forum, dated April 7, 2009
- "G" Letter from Charles L. Dotson, dated April 9, 2009
- "H" Letter from Alice L. Schroeder, dated April 12, 2009
- "I" Letter from Lucille Linden, dated April 14, 2009

PRE-LAND DEVELOPMENT APPLICATION COMMUNITY MEETING  
ORDINANCE

A. **Purpose.**

The purpose of a community meeting is to:

1. Inform citizens about the potential project at an early stage; and
2. Foster communication between the applicant and interested citizens regarding potential issues and opportunities for solutions related to the proposed project.

B. An applicant for any of the proposed projects listed below in Section C shall conduct a community meeting regarding the proposed application before the submission of an application to the City of Pullman. A community meeting does not constitute an open record hearing. At the meeting, the applicant shall present a description of the proposed project and be available to respond to questions about the proposed project from meeting participants. The applicant shall record the proceedings of the meeting and submit the recording and an accurate summary of meeting issues to the Planning Department for inclusion in the permit application file.

C. A community meeting shall be conducted before all permits and approvals required by Title 17 **except:**

1. Permits and approvals listed in Section 17.175.050;
2. Permits or approvals for single family dwellings, duplexes, triplexes or manufactured homes on an individual lot;
3. Permits or approvals for sign(s) required by Section 17.50;
4. Amendments to Airport Overlay Districts; and
5. Amendments to the City Comprehensive Plan.

D. The community meeting shall be conducted within the city limits of Pullman no less than thirty days and no more than one hundred twenty days before the application is submitted to the City. If a traffic study will be required as a part of an application, the scope of the study shall be discussed at the community meeting.

E. The applicant shall provide a summary of the meeting at the time of submission of the application consisting of the following:

1. An audio tape of the meeting proceedings; (Speakers must be clearly audible on the recording device.)
2. A written summary sheet of the meeting on the form provided by the Planning Department;

3. List of attendees;
4. A copy of the notice of community meeting; and
5. Certification of posting/ mailing the notice.

F. Other attendees of the community meeting may also submit a summary of the meeting issues to the Planning Director.

G. The applicant shall provide public notice of a community meeting by individual notice, public display, newspaper and sign as follows:

1. **An individual notice** shall be given in writing at least 30 days prior to the meeting by regular U.S. mail or by personal service to:

- a. All owners and taxpayers of record, as shown by the most recent Whitman County assessor's record and to street addresses of property located within a three-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control. The applicant shall expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, and other physical features;
- b. Any person or organization who has made a written request to the Planning Director to receive such notice;
- c. Any agency with jurisdiction identified by the Planning Director; and
- d. The following City officials: the Mayor, City Council members, the Public Works Director, the Planning Director, the Chief of Police, the Fire Chief, the Finance Director, the Parks Superintendent, the Recreation Superintendent, Chair of the Planning Commission, Chair of the Landmarks Commission, and the Chair of the Parks and Recreation Board.

2. The individual notice shall contain the following information:

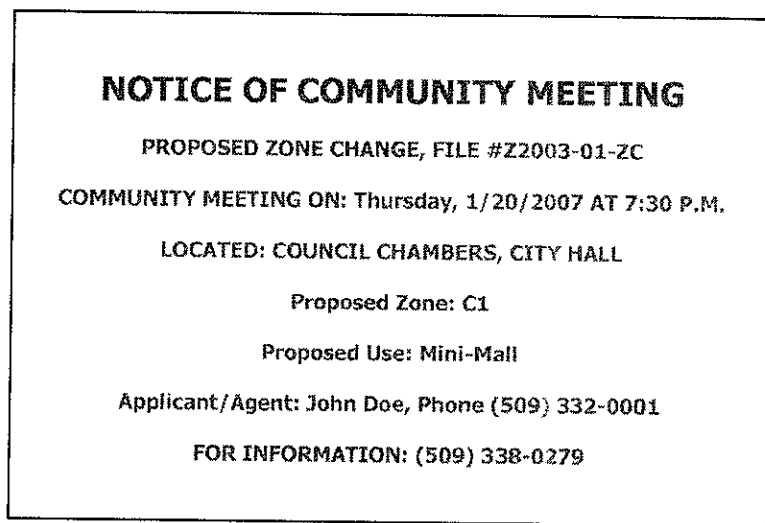
- a. Location of the property sufficient to clearly locate the site, including the full street address and identification of the nearest major cross streets or roads;
- b. Description of the proposed action and required permits;
- c. Name, address, office telephone number and e-mail address of the City official from whom additional information may be obtained;
- d. Applicant name and telephone number;

- e. Statement that any person may submit written comments and appear at the community meeting; and
  - f. Notice of community meeting including the date, time and place of the meeting.
3. **A public display** identical in form and content to the individual notice, shall be posted at least 30 days before the meeting at "official public notice posting locations," including:
- a. The Neill Public Library ;
  - b. The space in City Hall officially designated for posting notices;
  - c. The Planning Department Newsletter; and
  - d. Any other public building or space that the City Council formally designates as an official public notice posting location, including electronic locations.
4. **A newspaper notice**, shall be published in a newspaper of general circulation in the City on the same day of the two consecutive weeks immediately before the public meeting. The newspaper notice shall contain the information listed in subsection (G)(2).
5. **A sign** shall be installed at least 30 days before the meeting on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The Planning Director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.
- a. The posted notice sign must meet the following specifications:
    - i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information;
    - ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions;
    - iii. It is white with red lettering.
  - b. The sign shall contain the following information:
    - i. The first line of text on the sign in four-inch letters shall read: "NOTICE OF COMMUNITY MEETING;"
    - ii. The second line of text on the sign in three-inch letters shall contain an appropriate description of the proposed

- action, such as "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP";
- iii. The third line of text on the sign in three-inch letters shall read: "COMMUNITY MEETING ON (date, time and location);"
  - iv. The remaining lines of text, in three-inch letters, shall read as follows:
    - a. proposed use, proposed zone, project name, acreage, number of lots, as appropriate.
    - b. The applicant (or agent) name and phone number; and
  - v. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact person telephone number and e-mail address)."

The following figure illustrates a posted notice sign:

Example



6. **Other Notification.** The Planning Director, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the Planning Director indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

**TO:** Pete Dickenson  
**FROM:** Laura D. McAloon  
**DATE:** October 10, 2008  
**RE:** Pre-Application Meetings for Land Use Applications

A pre-application neighborhood meeting for land use applications can be a beneficial and a cost-saving method for developers, citizens, and the city. However, these meetings, if mandatory, could give rise to legal challenges by the developer based on the Regulatory Reform Act and the vested rights doctrine. This memo will first address whether pre-application meetings violate the single hearing rule in the Regulatory Reform Act and then discuss the pros and cons of these meetings, including any liability the city may subject itself to by allowing or requiring such meetings.

### **Pre-Application Meetings and the Single Hearing Rule**

The Regulatory Reform Act generally allows cities to subject applicants for project permits to one "open record hearing." RCW 36.70B. However, the Act does not put any limits on the number of public meetings that can be held on a project. The problem arises when the subject of the public meeting takes it out from the definition of such a meeting and turns it into an "open record hearing." Fortunately, the Act has defined both of these terms.

"Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit." RCW 36.70B.020(3).

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file. RCW 36.70B.020(5).

There are several scenarios where a pre-application public meeting can turn into an "open record hearing," thus violating the single hearing rule. The key distinction between a hearing and a meeting is that a hearing creates the city's record through testimony and submission of evidence and information, where a meeting is simply an informal, public gathering of people to obtain



comments from the public on a proposed project permit. There are several areas where this distinction can get complicated. The first example is where a "public meeting" is held by a review board, which is expressly allowed for in the Act. The review board will then make recommendations to the decision maker at the "open hearing" and will most likely include the information from the "public meeting" as a basis for their recommendation. Once the advisory board puts the information from the "public meeting" in the record, the "public meeting" has now been used to create the record and the meeting arguably meets the definition of an "open hearing."

A simpler example of a "public meeting" transforming into an "open hearing" can occur where a transcript of the "public meeting" is presented at the "open hearing." If this is done, the "public meeting" was then used to create the record and therefore meets the definition of an "open hearing" and violates the single hearing rule.

As of yet, no court has addressed this issue and shed light on how far a public meeting can go before it becomes an "open hearing". There are measure that can be taken to ensure a pre-application meeting is actually a meeting and not an "open hearing." However, this will likely depend on what the motivating factor is behind the pre-application meeting itself. Is the purpose of the meeting to facilitate communication and information flow between citizens and a developer, or is it to help the city or governing body decide whether the application or project should be approved? If it is the former, the pre-application meeting can be conducted in a way that will ensure it does not morph into an "open hearing." Mainly, make sure the meeting, or information originating out of the meeting, does not become a basis for the record, either by recording the meeting or through advisory boards making recommendations based on the pre-application meeting. If this is done, a pre-application meeting will not violate the single hearing rule under the Regulatory Reform Act.

### **Benefits Associated With a Pre-Application Meeting**

The costs/benefits of a pre-application meeting will somewhat depend on whether that meeting is voluntary or mandatory. A mandatory meeting may be the only way to make the developer go to the meeting, but the costs of doing this are much greater. The benefits of a pre-application meeting will mainly revolve around saving on costs and time of all parties involved.

The pre-application meetings, both voluntary and involuntary, will most likely benefit all the parties involved. The citizens can express their feelings and concerns with a project very early on and at a time where simple citizen concerns can be easily addressed at little or no cost to the developer, assuming the plan is still in its early development stage. At this same time, the citizens can also voice concerns if they are adamantly opposed to the developer's project. The citizens will have a much better chance of stopping the project altogether if the developer has not invested very much money into the project and realizes that he or she is likely to face a long battle from the citizens. Additionally, these meetings allow the citizens to feel like they are a

part of the city and have a voice. This will be a benefit to both the citizens and the elected officials responsible to those citizens.

Likewise, the developer will also benefit from learning very early on the feelings of the citizens and can gain an estimate of how much opposition will be against the project. Again, this gives the developer a chance to consider the citizen's opinion and decide whether to move forward with the project while he or she has not already invested a great deal of resources into it. Finally, these meetings give the developer a chance to appease the citizens and make changes without a lot of expense in doing so.

Lastly, the city may also benefit from the meeting because it too will get an understanding of the project and learn the potential problems that might arise in the future. The city will also learn of the citizen's feelings about the project, although the information from these meetings should not be included in the record. The meeting may also allow the city to identify obvious problems in the project that the developer can correct while it is still easy to do so.

Although, the developer will likely benefit from a pre-application meeting, whether the developer will realize this and choose to participate in the meeting remains to be seen. Generally, developers are of a mindset that everyone is out to get them, most notably citizens living in the neighborhoods, environmental groups, and the cities themselves. With this in mind, developers may not agree to hold a voluntary pre-application meeting.

## **Costs and Potential Legal Challenges of a Mandatory Pre-Application Meeting**

In a voluntary pre-application meeting, the benefits far outweigh the costs, if there are any costs at all. However, the problem with voluntary meetings is that the developer will likely not agree to these meetings. Therefore, a city may choose to make such meetings a requirement of the application process itself. Although this has the same benefits as a voluntary meeting, the costs and potential costs of mandatory pre-application meetings are much greater, including potential lawsuits against the city.

Having pre-application meetings may cost the city a nominal amount of money associated with holding the meeting itself. However, the biggest cost could come in the way of a lawsuit against the city by the developer. There are two main legal challenges that a developer could make if he or she is required to hold a pre-application meeting.

The most obvious claim is a violation of the single hearing rule under the Regulatory Reform Act. If the pre-application meeting is actually an "open hearing" the developer can bring a claim against the city based on the Regulatory Reform Act. This potential problem is discussed above, but there is definitely a grey area on this issue and the developer will have ample room to challenge the pre-application meeting requirement.

# K&L|GATES

Memorandum

October 10, 2008

Page 4

Another major problem with a mandatory pre-application meeting involves the vested rights doctrine. This is a clear rule that says once a person files a complete application, that person has a vested right to build or develop under the current regulations and ordinances in place at the time the application is filed. This doctrine was established by the Washington Supreme Court in 1958 and has continuously been followed by subsequent courts. See, *Hull v. Hunt*, 53 Wn. 2d 125 (1958); *West Main v. City of Bellevue*, 106 Wn. 2d 47 (1986); *Friends of the Law v. King County*, 123 Wn. 2d 518 (1994).

The pre-application meeting may undermine the purpose for the doctrine in the first place, since it blurs the date of vesting and takes control of the vesting date away from the developer. A pre-application meeting gives the citizens and city time to change the regulations or ordinances before an application is filed, thus negating the purpose of the vesting rights doctrine.

A land use attorney has recently written an article discussing the pre-application meeting and its effect on the vested rights doctrine. Phil Olbrechts, *Cant Always Trust those RCW's: The Problems with Mandatory Pre-Application Conferences*, mrsc.org, July 2008. No case law has addressed this issue and in his article, Mr. Olbrechts acknowledges that attorneys differ on whether a court would hold a pre-application meeting invalid and provide a remedy along the same lines of a due process violation, or if the court would harmonize the Regulatory Reform Act, which allows pre-application meetings, with the vesting rights doctrine and simply move the vesting date to the time of the pre-application meeting. *Id.*

Mr. Olbrechts suggests there are at least two possible solutions to the problem pre-application meetings create. The first suggestion is to make pre-application meetings voluntary, and provide incentives for developers participating in the meetings. *Id.* Second, allow vesting to occur as of the date of the request for the pre-application meeting, but require that the complete application be filed within a certain amount of time following the meeting. *Id.*

## Conclusion

These are the main legal challenges a developer may make against the city if it imposes mandatory pre-application meetings in order to obtain a permit. It is difficult to analyze the likelihood of success a developer may have on either of these claims, since there has been little case law on these issues and they are very fact specific. I think a pre-application meeting can be conducted without violating the single hearing rule, but the question of the date of vesting will have to be addressed. Furthermore, because the mandatory pre-application meetings give rise to potential legal claims without additional benefits, a voluntary pre-application meeting would be the more prudent way to proceed as long as developers are willing to participate in the meetings.

17144:bmr



## League of Women Voters of Pullman

P.O. Box 366, Pullman, WA 99163  
February 10, 2009

Mr. Pete Dickinson, Planning Director  
Chairman Stephen Garl  
Members of the Planning Commission  
Pullman City Hall  
Pullman, WA 99163

RECVD  FAXED

FEB 10 2009

SENT  DRAFT   
PULLMAN PUBLIC WORKS

Dear Mr. Dickinson, Chairman Garl, and Planning Commission Members;

The League of Women Voters greatly appreciates your decision to further consider the League's proposal for land use development pre-application meetings. At the October 22, 2008, planning commission meeting, you noted the memorandum of City Attorney, Laura McAloon, addressing legal aspects of the proposed ordinance. Ms. McAloon raises two concerns about the ordinance. First, she is concerned that a community meeting could violate the "one hearing" rule established in Washington law. Second, she is concerned that a mandatory community meeting regulation could violate a developer's vesting rights.

The League has considered the memorandum and concerns and has the following comments and suggestions:

### One hearing rule:

- Ms. McAloon indicates in her memo that a possible violation of this rule is a minor concern;
- Washington law provides express authority for a conference or community meeting. It encourages additional project review and states nothing in the chapter relating to local development project review is to be "construed to prevent a

local government from **requiring a pre-application conference or a public meeting by rule, ordinance or resolution.**” (Emphasis added) (RCW 36.70B.160 (2));

- With respect to Ms. McAloon’s concerns about a blurring of the record, the proposed ordinance readily could be changed to add language stating that the minutes of or recording of the meeting are not considered to be the record for the one public hearing that can be held for a project application.

### **Vesting rights:**


- Washington’s vesting rule does not give developers an absolute, unilateral right to fix regulations in time in all circumstances;
- It seems unlikely that a pre-application meeting ordinance would cause a court to determine that the vesting doctrine is violated by a community meeting requirement given the relatively light burden the ordinance places on developers (*i.e.* developers would not have invested significant effort in a proposal at the time a community meeting needed to be held);
- Ms. McAloon’s concern can be eliminated by adding language to the ordinance to allow vesting at a pre-application conference or community meeting if a complete application is filed with 21 days of the meeting.

We note pre-application meetings and community meeting requirements are common in the State of Washington. As far as we are aware, these requirements have not been legally challenged on the basis of violating the one public hearing rule; developer’s vesting rights; or for any other reason. In addition to the Cities of Bellingham and Spokane which we mentioned at our last meeting, others have community meeting requirements. We particularly

appreciate the precatory language of Section 16.19.050A of the Island County ordinance and attach it for your review.

We look forward to our next meeting for further discussion among the various stakeholders on the proposed ordinance.

Sincerely,

A handwritten signature in black ink that reads "Karen H. Kiessling". The signature is written in a cursive, flowing style.

Karen Kiessling, Chair  
Pre-land Development Application Meeting Ordinance Committee

CC The Honorable Glenn Johnson, Mayor of Pullman  
Members of Pullman City Council  
Mr. John Sherman, City Supervisor

## ISLAND COUNTY LAND USE REVIEW PROCESS 16.19.050

### 16.19.050 Community Meeting - Intent and Purpose

**A. The purpose of the community meeting is to enhance public participation and to provide a means for the applicant and surrounding neighbors to meet independent of the County to review a development proposal and identify issues regarding the proposal so they may be addressed prior to application submittal in a manner that is consistent with the requirements of this Chapter. This preliminary meeting is intended to result in an application that is more responsive to community concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the community meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.** (Emphasis added).

B. Unless otherwise specified in Chapter 17.03 ICC, conditional land use proposals classified as Type III applications, except for home industries and surface mines on mineral land that are designated by the County of long term commercial significance, that are proposed in the Rural, Rural Agriculture, Rural Forest, and Commercial Agriculture Zones, shall be subject to the community meeting requirements.

C. Community Meeting Requirements – The applicant shall be required to hold only one Community meeting prior to the project's pre-application conference, but may hold more if desired. If feasible, the meeting shall be held at a location within five (5) miles of the project's property boundaries. The Community meeting shall be held on a weekday evening or on weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding community consistent with the Public Notice requirement of ICC 16.19.140.G.1 for a Type III application. The applicant shall also post notice of the community meeting by posting a sign on the subject site in advance of the meeting consistent with the posting requirement of ICC 16.19.140.F.1. All attendees of the meeting shall be given an opportunity to make comment on the proposal. The applicant shall record the meeting and prepare meeting notes of major points about the development proposal that were discussed at the meeting, including comments on how the applicant has or has not addressed these major points in the application. Upon their request, the applicant shall provide members of the community in attendance, a copy of the meeting notes. The meeting notes, a tape copy of the recorded meeting, and affidavit of notice and posting shall accompany the application. All individuals attending the Community meeting who request a notice of application shall receive mailed notice pursuant to ICC 16.19.140.G.1.

D. The applicant must present the proposal to the community in sufficient detail to explain the project's scope and the location and improvements proposed on the property but is under no obligation to provide a detailed design at this early phase of design development.

E. If the applicant fails to hold a community meeting; fails to provide the affidavits of posting and notice; or fails to provide written notes and recording tape from the meeting, the application shall be incomplete.

(Ord. C-63-99 [CD-01-99], June 21, 1999, vol. 43, p. 338)

## **PRE-APPLICATION MEETING SURVEY RESPONSES**

### **BELLINGHAM:**

#### **Parkway Gardens | Kevin (360) 815-6542, agent for Cascade Land Development Co.**

Meetings with the city and with citizens are win/win. Example: meeting for Parkway Gardens helped a creek reclamation project; moved 300-400 residents out of the floodplain.

#### **190 E. Bakerview | Mike Leland, agent for Faber Bros. Construction (360) 354-3500**

Thinks the participation process for Bellingham is fine, but the city's anti-development attitude isn't.

### **SPOKANE:**

#### **Barnes Road Plat/PUD | Damon Smith, agent for Barnes Road L.L.C. 455-4448**

Never likes it as a developer or a property owner. Often breaks down into a mob mentality--lots of distressed citizens whose concerns are valid but who get facts wrong. Works when treated as a fact-finding tool.

#### **Replat of Canyon Bluffs Addition | Frank Ide, agent for Taylor Engineering 328-3371**

The process is helpful for when community residents assume the worst about a project. Useful to identify concerns and show methods of addressing them. Can add three to four weeks to a project. Most clients would prefer to address issues at the hearing level--the attitude being, "If we're up to code, why hold a meeting?" End up hearing the same questions over and over. However, has proved helpful in some cases, and would recommend the process.

#### **Five Mile View Estates Prelim. Plat | Scott Dale, agent for Benthin & Assoc. 325-4529**

Informal community meetings work. They show holes and give information. It is a long process. Points to things that may need to be mitigated. Thinks it's important, and if Pullman is considering a similar process, he would say yes. Roadblocks can be illuminated early on.



**ISLAND COUNTY:**

**Larry Kwarsick, Principal Planner/Consultant for the Town of Coupeville (360) 221-3808**

Thinks the process only works as good as the staff effort put into it. Value is diminished when capacity doesn't match staff. Thinks public trust is important, but there is "a little too much process."

**Quin Clements, agent for Davido Consulting Group, Inc. (360) 331-4131**

Thinks the pre-application meeting is an important part of the process. A lot of the comments are generic, but it can bring to light issues early on.

March 31, 2009



## PLANNING COMMISSION SCHEDULES PUBLIC FORUMS

Inside this issue:

*Assistance Offered For  
First-Time Home  
Buyers* 3

*Pending Land Use  
Applications* 4

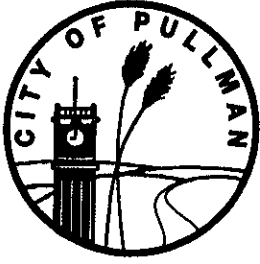
At its March meeting, the Planning Commission set a schedule for public forums on two separate topics. On April 22, the Commission will accept public input regarding a proposal by the League of Women Voters to require real estate developers to hold a neighborhood meeting on major projects before submitting formal applications to the city. Then, on April 29, the Commission will solicit public comment on a draft plan for expansion of the city's urban growth area. Both sessions will take place in the City Hall Council Chambers starting at 7:30 p.m.

The April 22 forum on pre-application neighborhood meetings has been a while in the making. The League of Women Voters originally requested city consideration of this idea back in the fall of 2007. Then, last summer, the League followed up with a letter asking the Commission to place the matter on its docket. In the League's correspondence regarding this subject, it states "there is an urgent need for more public discussion early in the planning

process in Pullman to ensure civil and reasoned discourse as our city grows." While setting up this forum, Commission members indicated that the proposal has merit, but there are several potential pitfalls, such as costs and delays for developers, that must be explored prior to making any sort of recommendation on the matter.

The forum on April 29 will focus on the urban growth area (UGA), defined as the land both inside and outside the city limits that the community expects to grow into within a certain period of time. After our experience with significant local growth over the past 15 years, the City Council asked the Commission to reexamine the city's existing UGA (adopted in 1999) to ensure there is an adequate supply of land available for future development. The Commission, thinking long-term, is evaluating a proposed UGA to address city needs for the next 50 years. Recently, planning staff performed an analysis to determine the amount of property needed by the city over that amount of time (under the

*(Continued on page 2)*



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April 7, 2009

RE: Planning Commission Forum on Pre-Application Meetings

Dear Sir or Madam:

Recently, the Pullman League of Women Voters submitted to the city a proposal for land use development pre-application meetings. This proposal would require real estate developers to publicize and conduct a community meeting about a planned project before submitting formal applications to the city. The League of Women Voters stated in its documentation that the purpose of the pre-application meeting would be to "inform citizens about the potential project at an early stage and foster communication between the applicant and interested citizens regarding potential issues and opportunities for solutions related to the proposed project." The League also stated that the key provisions of the proposal include the following:

- an applicant for a significant project requiring a permit under the city's zoning code provisions would conduct a community meeting
- the applicant would provide public notice of the community meeting by individual notice, newspaper publication, and signage
- at the meeting, the applicant would present a description of the proposed project and be available to respond to questions from meeting participants
- the applicant would record the proceedings of the meeting and submit that audio recording and a written summary of meeting issues to the city as part of the formal permit application
- if a traffic study would be required as part of an application, the scope of the traffic study would be discussed at the community meeting

In order to gather community input regarding this proposal, **the Pullman Planning Commission has scheduled a public forum for Wednesday, April 22, 2009, at 7:30 p.m. in the Council Chambers of Pullman City Hall, located at 325 SE Paradise Street.** At this session, the Commission will solicit comments on this topic from all

Notification Letter  
April 7, 2009  
Page 2

individuals wishing to speak. Please note that, depending on the number of participants, the Commission may impose a time limit on each presentation.

If you have an interest in this matter, the city invites you to take part in this upcoming Planning Commission meeting. If you cannot attend the session, but wish to provide input, feel free to submit written comments to the planning department at City Hall during the month of April. Thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in black ink that reads "Pete Dickinson". The signature is written in a cursive, slightly slanted style.

Pete Dickinson  
Planning Director

**RECVD FAXED**

**APR 09 2009**

**SENT DRAFT  
PULLMAN PUBLIC WORKS**

9 April 2009

Mr. Stephen Garl, Chair  
Pullman Planning Commission

Mr. Pete Dickinson,  
Director of Planning

City of Pullman Washington

SUBJECT: Proposed Pre-Land Development Application Community Meeting Ordinance

Planning Commission Members:

I am a semi-retired professional planner and have been asked by the League of Women Voters of Pullman to comment on their proposed community meeting ordinance. My nearly 40 years as a professional planner included 12 years as the Planning Director for the City of Spokane. During my service with Spokane, we incorporated a pre-application community meeting requirement into our land use permit procedures. Initially, it was met with great resistance from the local development community and it was very difficult to enact the ordinance because of their political pressure. However, shortly after this procedure took effect, the development community learned that a community meeting was an excellent way to deconflict their projects while there was still time to make changes without undoing major financial commitments. In addition, the number and severity of contested land use hearings before the hearing examiner was significantly reduced (they are almost non-existent now). With neighborhood opposition virtually eliminated, the local developers enjoyed a much greater certainty of outcome, to say nothing of a much faster application approval process. While the local developers sheepishly will not likely admit it publically, they are now mostly in support of the community meeting system.

Neighborhood and community organizations have also grown to appreciate the pre-development community meeting approach. Previously, they were often seen as anti-development, simply trying to throw up road blocks and stop progress. However, they were mostly trying to improve the quality of development in their neighborhoods and eliminate the harsh impacts that often occur. The community meeting process allowed neighborhood organizations to positively change projects and improve the resulting quality of life, both for themselves and future residents. And, since this was done in a less confrontational environment (the informal community meeting setting rather than the formal public hearing), their reputation and credibility improved as well. The community meeting is one of those procedural mechanisms that allow everyone to experience a positive outcome.

I know from my own personal experience that community meetings are beneficial for all concerned. Once past the initial difficulty of getting the system started, Pullman will be very satisfied with the results. I'm glad to speak in favor of the proposed ordinance and to help your community take a great step forward.

Charles L. Dotson

CC: Ms. Sue Armitage  
Ms. Judy Krueger

ATTACHMENT "G"

REC'D  FAXED

APR 14 2009

SENT  DRAFT   
PULLMAN PUBLIC WORKS

145 SW Arbor  
St.  
Pullman, WA  
99163  
April 12, 2009

Mr. Steven Garl, Chair, Pullman Planning Commission  
Members of the Planning Commission  
Mr. Pete Dickinson, Head Pullman Planning Department  
Pullman City Hall  
Pullman, WA 99163

Dear Chairman Garl, Planning Commission Members and Mr. Dickinson,

I am unable to attend the public forum being held by the Planning Commission on April 22 to discuss the ordinance submitted by the Pullman League of Women Voters to require land use pre application community meetings. Therefore, I would like to express my strong support for this ordinance in this letter.

Recent land development proposals in Pullman have been marred by a lack of civil discourse, acrimonious hearings and law suits and delays that were expensive for all involved; community, developers and the City. Several cities in the State of Washington have found that pre-development community meetings greatly lessen these problems by giving the community an overview of the proposal and a chance to offer constructive suggestions at a time when it is relatively easy for a developer to incorporate any he finds useful. This allows a civil discourse about the project that is not possible in formal hearings required for development. At a formal hearing one must support or oppose the project but there is no method for modification. Community meetings can also put to rest many of the destructive and often untrue rumors generated around these projects that can lead to the anger we have recently seen.

This Ordinance is, of course, no panacea, but its potential to improve, speed and lessen the cost of development for our community is great. I strongly urge the Planning Commission to give their support to this Ordinance and recommend it highly to the City Council.

Sincerely yours,



Alice L. Schroeder

ATTACHMENT "H"

April 14, 2009

Stephen Garl, Chair  
Pullman Planning Commission  
c/o Pullman City Hall  
325 SE Paradise Street  
Pullman WA 99163

Dear Mr. Garl,

In lieu of appearing in person at your meeting April 22, I'm writing in support of the required public meeting for new development projects of a four-plex or more, and urge that this proposed ordinance be forwarded to the City Council for further consideration.

This Pre-Land Development Application Community Meeting Ordinance offers the developer an opportunity to present and explain his plans, answer questions and listen to comments from the community in an informal setting. Here's where communication before the permit is issued can suggest solutions to potential problems and diffuse conflict that often results from uncertainty and misinformation.

The specifics of the code will be presented at your meeting, so I will close by noting that this proposal honors the memory of Jan Miller, an active local citizen who strongly advocated an open planning process for Pullman. The League of Women Voters of Pullman used funds given in her name to secure the land use attorney scrutiny for this ordinance. This change will be good for Pullman and good for developers. Please forward this pre-application meeting procedure to the Council.

Sincerely yours,

  
Lucille Linden

cc: Mr. Pete Dickinson, Director of Planning

RECVD  FAXED

APR 15 2009

SENT  DRAFT  \*  
PULLMAN PUBLIC WORKS