

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 *PD*

FOR: Meeting of January 23, 2008

SUBJECT: Zone Change Application No. Z-08-1

DATE: January 17, 2008

Staff Report No. 08-1

BACKGROUND DATA

Applicant: City of Pullman.

Property Location: 1101 Wawawai Road, located outside the city limits on the north side of Wawawai Road west of Sunnyside Park (See Attachment A, Location and Zoning Map).

Property Size: 9,000 square feet.

Applicant's Request: Amend the prezone classification of the subject property from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial and revise the Comprehensive Plan Land Use Plan Map from Low Density Residential to Commercial; the Planning Commission initiated this proposal on November 28, 2007 in order to allow the existing radio station on the site to conform to the zoning designation if the subject property is annexed to the city.

Applicable Zoning District Descriptions: **R2 district:** provides for single-family dwellings, duplexes, manufactured homes, townhouses, and apartments developed to a maximum density of 15 dwelling units per net acre.

C1 district: provides for small retail and personal service businesses that primarily serve the day-to-day needs of the immediate neighborhood and is characterized by small buildings, low vehicular traffic generation, considerable walk-in trade, and quiet operations.

Property Features:

Current Land Use: Radio Palouse radio studio.

Utilities: water and sewer lines are being installed south of the subject property as part of the Whispering Hills Subdivision No. 3 development; a storm drain facility could be constructed with any future development on the property.

Topography: the land slopes uphill moderately from south to north.

Adjacent Zoning and Land Use:

North: R2 prezone district; outside city limits; undeveloped land.

East: R2 zoning district; single family residences, duplexes, and undeveloped land.

South: R2 zoning district; residential subdivision under construction.

West: R2 prezone district; outside city limits; undeveloped land, radio station transmitting tower.

Access:

Wawawai Road, designated on the Comprehensive Plan Arterial Street Plan Map as a secondary arterial.

Environmental Review:

Environmental Checklist submitted 1/27/05 pursuant to a previous prezone change request for the subject property (See Attachment B); Determination of Nonsignificance issued 2/3/05 (See Attachment C).

Hearing Notification:

Notice of Public Hearing mailed 1/11/08; Notice of Public Hearing published 1/12/08; Notice of Public Hearing posted 1/10/08.

Case History:

At the City Council meeting on January 25, 2005, the Council accepted the proposed Hinrichs annexation with four conditions. (The Hinrichs annexation parcel is located adjacent to the subject property.) One of the Council's conditions stated that "the petitioners shall include in the proposed annexation area all of the contiguous unincorporated land located northeast of the subject property." If this condition were to be fulfilled without any

change in zoning, the radio station property would be brought into the city under an R2 zoning designation. The Hinrichs annexation proposal is still pending at this time.

Comments of Affected
Departments/Agencies:

Notification of the applicant's request was distributed to affected governmental entities. These entities, and their response to the notification, are presented below.

- a. **Pullman Public Services Department:** Inquired whether the radio antenna on the adjacent parcel would be allowed to relocate on the subject property and inquired regarding any noise concerns that would be associated with a new antenna.
- b. **Pullman Fire Department:** Remarked that there were no comments on the proposed action.
- c. **Pullman Police Department:** *No response.*
- d. **Pullman Public Works Department:** Remarked that there were no concerns or comments on the proposed action.
- e. **Pullman Protective Inspections Division:** *No response.*
- f. **Pullman School District:** *No response.*

PERTINENT PLANNING PROVISIONS

There are a number of provisions contained within the Comprehensive Plan and Zoning Code that relate to zone change and Comprehensive Plan map amendment proposals. These provisions, which are available for review at the city's web site (www.pullman-wa.gov) are referenced below.

Comprehensive Plan Goals LU1, LU3, LU4, and LU5 and their respective policies

Zoning Code Sections 17.01.050, 17.30.020, 17.70.030, 17.75.010, 17.75.040, 17.80.010, 17.80.020, 17.80.060, 17.110.030, 17.110.040, 17.115.020

STAFF ANALYSIS AND RECOMMENDATION

Planning staff is in favor of granting this zone change. This proposal, in staff's view, would promote the public health, safety, and welfare, and would be a benefit to the residents of the city.

The Planning Commission has initiated this prezone change because the annexation of this property could create a hardship to the Radio Palouse station. The pending annexation that would bring this property into the City would also create an R2 zoning district designation. Radio studios are not allowed in any residential zone. This means the radio station would become a nonconforming use.

According to Pullman zoning code regulations, nonconforming uses are allowed to continue, but they may not be enlarged through such means as increasing floor area or building height. Also, if the structure containing a nonconforming use sustains damage amounting to more than 75 percent of its value, the use may not be reestablished at that site. Currently, radio studios are not permitted in the C1 zone, but the Planning Commission has initiated a companion case to amend the zoning code for the purpose of allowing radio and television studios in the C1 district.

The subject property appears to be well-suited for the establishment of a C1 district. The purpose of Neighborhood Commercial districts is to accommodate "small retail and personal service buildings" and the district is to be "characterized by small buildings, low vehicular traffic generation, considerable walk-in trade, and quiet operations". Although the operation of a radio station does not completely meet all of the criteria given, staff believes it meets certain aspects. The radio station is a small building, with quiet operations. Staff expects uses on the property would maintain a low vehicular traffic generation rate. The parcel in question is suitable with regard to accommodating the vehicular traffic, since it has direct access from a secondary arterial street (Wawawai Road).

There are special criteria stated as rezone guidelines for the C1 zone district, and the subject property meets all the criteria set forth. The district will not be located closer than one-quarter pedestrian mile to another commercial district of similar services. The size of the parcel under consideration is 9,000 square feet, which is less than the one-acre maximum area prescribed in the code. Direct access to the property is provided on a secondary arterial and access to the parking facilities are also located off the secondary arterial without being disruptive to the traffic flow in the neighborhoods. Finally, the subject lot frontage is approximately 225 feet; this is well within the maximum limitation of 400 feet.

Given the long-standing land use at the subject property, it appears that the city's assignment of an R2 prezone to this parcel as part of a broad R2 prezone designation for all of the area in the vicinity of Wawawai Road was done in error. From staff's perspective, approval of this proposed zone change would correct this error. The location of a radio station or other uses allowed in the C1 district at the site in question would appear to be compatible with surrounding properties. Planning staff believes that rezoning the subject property to a C1 zoning designation would be consistent with the pertinent objectives of the Comprehensive Plan and zoning code. In planning staff's view, this Comprehensive Plan map amendment and zone change request should be approved.

FINDINGS OF FACT AND CONCLUSIONS

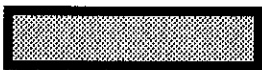
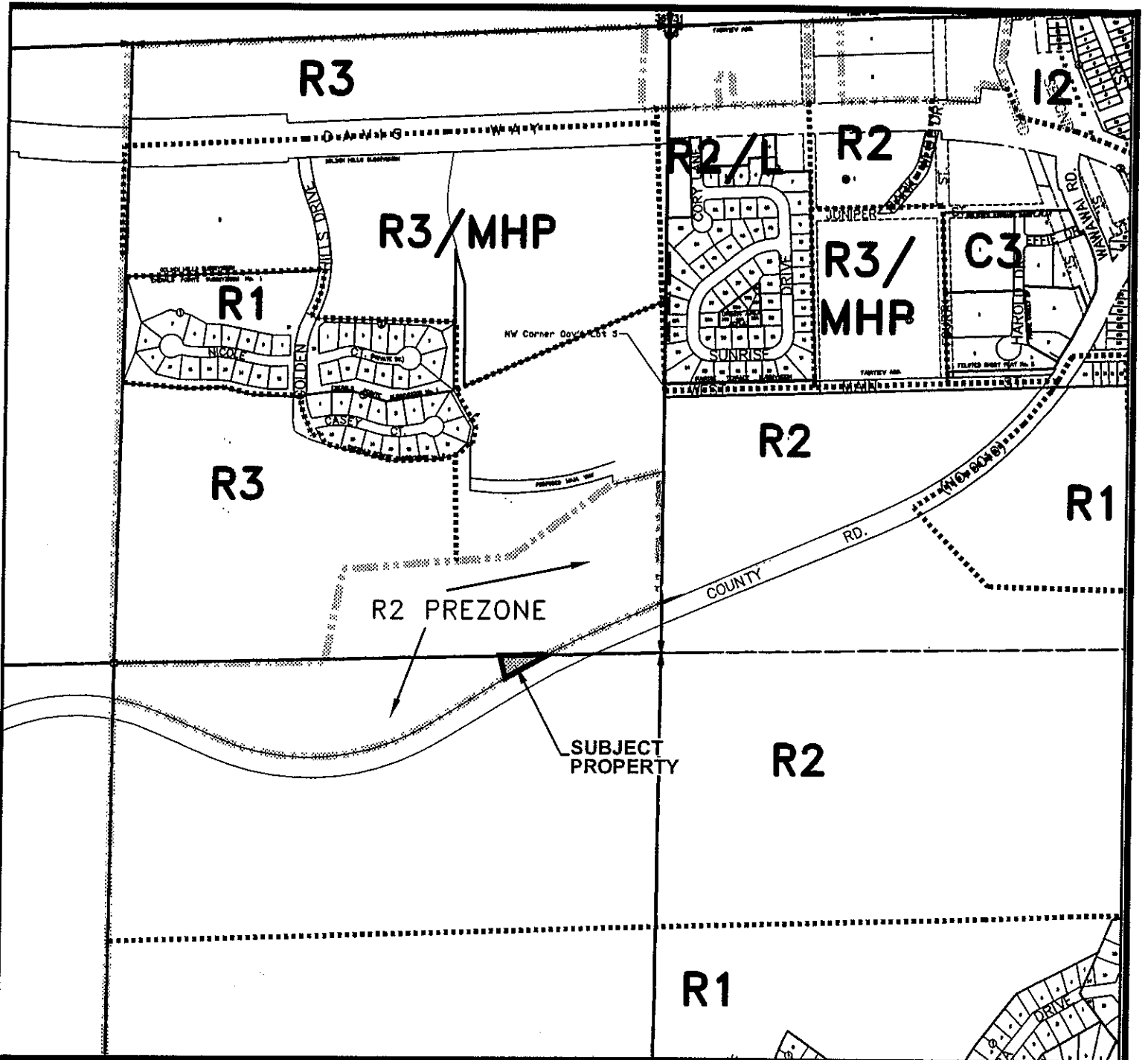
Planning staff has prepared Findings of Fact and Conclusions regarding this case. These findings and conclusions are incorporated in draft Resolution No. PC-2008-1 for the Comprehensive Plan map amendment (See Attachment D) and draft Resolution No. PC-2008-2 for the zone change proposal (See Attachment E).

ACTION REQUESTED

- A. Take testimony on the proposed Comprehensive Plan map amendment and proposed zone change request.
- B. Adopt, by motion, Findings of Fact.
- C. Adopt, by motion, Conclusions.
- D. Recommend, by motion, to the City Council that the proposed Comprehensive Plan map amendment be approved, denied, or modified.
- E. Recommend, by motion, to the City Council that the proposed zone change request be approved, denied, or modified.

ATTACHMENTS

- "A" Location and Zoning Map
- "B" Environmental Checklist
- "C" Determination of Nonsignificance
- "D" Draft Resolution No. PC-2008-1
- "E" Draft Resolution No. PC-2008-2



SUBJECT PROPERTY



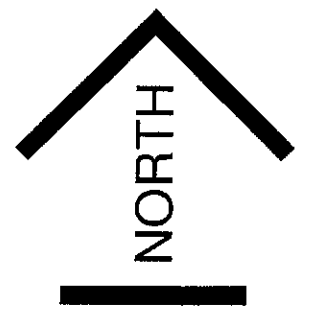
PROPOSED ADDITIONAL ANNEXATION AREA



CITY LIMITS



ZONING DISTRICT BOUNDARY



ATTACHMENT "A"

LOCATION & ZONING MAP

CASE NO.
Z-08-1

Receipt No. N/A

Date 01/27/05

CITY OF PULLMAN ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Name(s) of proposed project, if applicable:
Radio Station C1 Zoning Amendments.
 2. Name of applicant:
City of Pullman.
 3. Address and phone number of applicant and contact person:
*Pete Dickinson
Planning Director
325 SE Paradise Street
Pullman, WA 99163
(509) 338-3213*
 4. Date Checklist prepared: *1/27/05*
 5. Agency requesting Checklist: *City of Pullman*
 6. Proposed timing or schedule (including phasing, if applicable):
Planning Commission and City Council review: February-April 2005
- EVALUATION -
CITY USE ONLY**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No.
 8. List any environmental information you know of that has been prepared, or will be prepared, directly related to this proposal.
None.
 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
The city has proposed to annex the property. The annexation petition to accomplish this proposal is currently pending.

ATTACHMENT "B"

10. List any governmental approvals or permits that will be needed for your proposal, if known.

- 1) *Planning Commission review and recommendation.*
- 2) *City Council review and action.*

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this Checklist that ask you to describe certain aspects of your proposal. You need not repeat those answers here.

The proposed amendments would change the zoning designation for the property from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial and revise the zoning code text to allow radio station studios to locate within a C1 district.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the City, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this Checklist.

The property is located at 1101 Wawawai Road, at the site of the Radio Palouse radio station studio, in the southeast quarter of Section 1, T. 14 N., R 44 E., W.M. The property is currently located outside the Pullman city limits, but it is anticipated that the property will be annexed into the city within the next three months.

The possibility of radio station studios being established in other C1 districts would apply throughout the city of Pullman.

B. ENVIRONMENTAL ELEMENTS (TO BE COMPLETED BY APPLICANT)

1. EARTH

- a. General description of the site (circle one): flat, rolling hilly, steep slopes, mountainous, other.
- b. What is the steepest slope on the site (approximate percent slope)?
10 percent.
- c. What general types of soil are found on the site (e.g., clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Latah silt loam soil.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No.
- e. Describe the purpose, type and approximate quantities of any filling or grading proposed. Indicate source of fill.
N/A
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
N/A
- g. Approximately what percent of the site will be covered with impervious surfaces after project construction (e.g., asphalt or buildings)?
N/A
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
None.

2. AIR

- a. What types of emissions to the air would result from the proposal (e.g., dust, automobile, odors, industrial, wood smoke) during construction and after the project is completed? If any, generally describe and give approximate quantities, if known.

N/A

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

None.

3. WATER

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If so, describe type and give names. If appropriate, state what stream or river it flows into.

Roadside ditch; this drainage flows into Hatley Creek and on to the South Fork of the Palouse River.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not to our knowledge.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge?
No.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give description, purpose and approximate quantities, if known.
N/A

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (e.g., domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable) or the number of animals or humans the system(s) are expected to serve.

No changes are proposed for the existing waste discharge system at the property.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Source of runoff and collection method at the property will remain unchanged.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A

- 3) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None.

4. PLANTS

- a. Check and/or circle the following types of vegetation found on the site:

- ___ Deciduous tree: alder, maple, aspen, other _____
- ___ Evergreen tree (fir), cedar, pine, other _____
- ___ (Shrubs)
- ___ (Grass)
- ___ Pasture
- ___ Crop or grain
- ___ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other _____
- ___ Water plants: water lily, eelgrass, milfoil, other _____
- ___ Other types of vegetation _____

b. What kind and amount of vegetation will be removed or altered?
None.

c. List threatened or endangered species known to be on or near the site.
None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
None.

5. ANIMALS

a. Circle any animals which have been observed on or near the site, or are known to be on or near the site.

BIRDS: (Hawk) heron, eagle, (songbirds) other _____

MAMMALS: (Deer) bear, elk, beaver, other _____

FISH: Bass, salmon, trout, herring, shellfish, other _____

b. List any threatened or endangered species known to be on or near the site.
None.

c. Is the site part of a migration route? If so, explain.
No.

d. Proposed measures to preserve or enhance wildlife, if any:
None.

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Will it be used for heating, manufacturing, etc.?

N/A

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

None.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

- 1) Describe special emergency services that might be required.

N/A

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None.

- b. Noise:

- 1) What types of noise exist in the area which may affect your project (traffic, equipment, operation, other)?

None.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (e.g., traffic, construction, operation, other)? Indicate hours noise would come from site.

N/A

- 3) Proposed measures to reduce or control noise impacts, if any:
None.

8. LAND AND SHORELINE USE

- a. What is the current use of site and adjacent properties?
The property is used as a radio station studio. Adjacent properties are used for farming and pasture land.
- b. Has the site been used for agriculture? If so, describe.
The property may have been used for agriculture, but that would have been over 50 years ago.
- c. Describe any structures on the site.
There are four structures on the property, ranging in size from 100 to 2,100 square feet.
- d. Will any structures be demolished? If so, describe.
No.
- e. What is the current zoning classification of the site?
R2 Low Density Multi-Family Residential prezone
- f. What is the site's current Comprehensive Plan designation?
Low Density Residential
- g. If applicable, what is the current Shoreline Master Program designation of the site?
N/A
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
No.
- i. Approximately how many people would reside or work in the completed project?
The number of employees at the property would not change as a result of this project.

- j. Approximately how many people would the completed project displace?
None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:
None.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Review by Planning Commission and City Council to ensure the proposed amendments meet the objectives of the city's Comprehensive Plan.

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.
N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low income housing.
N/A

- c. Proposed measures to reduce or control housing impacts, if any:
None.

10. AESTHETICS

- a. What is the maximum height of any proposed structure(s), not including antennas? What is the proposed principal exterior building material(s)?
N/A

- b. What views in the immediate vicinity would be altered or obstructed?
None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:
None.

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
N/A

- c. What existing off-site sources of light or glare could affect your proposal?
None.

- d. Proposed measures to reduce or control light and glare impacts, if any:
None.

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Sunnyside Park.

- b. Would the proposed project displace any existing recreational uses? If so, describe.
No.

- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:
None.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects known to be on or next to the site that are listed on or proposed for national, state or local preservation registers? If so, generally describe.

No.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

N/A

- c. Proposed measures to reduce or control impacts, if any:

None.

14. TRANSPORTATION

- a. Identify public streets/highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Wawawai Road, which connects to State Route 195 to the west and State Route 270 to the northeast.

- b. Is the site currently served by public transit? If not, what is the distance to the nearest transit stop?

No.

- c. How many parking spaces would the completed project have? How many would it eliminate?

The parking area on the property, which contains about six spaces, would remain unchanged.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, describe.

No.

f. How many vehicular trips per day would be generated by the completed project? Indicate when peak volumes would occur.

N/A

g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. PUBLIC SERVICES

a. Would the project result in an increased need for public services (e.g., fire or police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. UTILITIES

a. Circle utilities currently available at the site:

electricity natural gas, water, refuse service, telephone sanitary sewer, septic system other

b. Describe utilities proposed for the project, utilities providing service, and general construction activities which might be needed on the site or in the immediate vicinity.

N/A

C. SIGNATURE

The above answers are true and correct to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Pete Dickinson

Applicant's Signature

1/27/05

Date Submitted

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

DO NOT COMPLETE THIS SECTION FOR PROJECT ACTIONS.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a great intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**EVALUATION -
CITY USE ONLY**

1. How would the proposal be likely to increase: discharge of water; emissions to air; production, storage or release of toxic or hazardous substances; production of noise? List any proposed measures to avoid or reduce such increases.

Emissions to air and production of noise could increase in the localized area near C1 zoning districts, but neither impacts are expected to be significant.

2. How would the proposal be likely to affect plants, animals, fish or marine life? List any proposed measures to protect or conserve them.

The proposal would not likely affect flora or fauna because existing and proposed C1 districts are already developed with improvements for the most part.

3. How would the proposal be likely to deplete energy or natural resources? List any proposed measures to protect or conserve them.

No significant depletion of these resources is expected as a result of this proposal.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection (e.g., parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, prime farmland)? List proposed measures to protect such resources or to avoid or reduce impacts.

The proposal would not likely affect these areas.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with the existing plans? List any proposed measures to avoid or reduce such impacts.

The proposal could increase the intensity of land use within C1 districts, but existing and proposed C1 districts are already substantially developed with improvements, so this increase is expected to be minimal.

6. How would the proposal be likely to increase demands on transportation or public services and utilities. List any proposed measures to reduce or respond to such demands.

The proposal could increase these demands, but since existing and proposed C1 districts are already substantially developed with improvements, this increase is expected to be minimal.

7. Identify, if possible, any local, state or federal laws or requirements for the protection of the environment with which the proposal may be in conflict.

None.

DETERMINATION OF NONSIGNIFICANCE

Description of Proposal: The proposal involves an amendment changing the zoning designation from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial and revising the zoning code text to allow radio station studios to locate within a C1 district..

Proponent: City of Pullman

Location of Proposal, including street address, if any: 1101 Wawawai Road, within the southeast quarter of Section 1, T. 14 N., R 44 E.

Lead agency: City of Pullman.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the city. This information is available to the public on request.

There is no comment period for this DNS.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Mark D. Workman, P. E.

Position/Title: Director of Public Works **Phone:** (509) 338-3222

Address: 325 SE Paradise Street, Pullman, WA 99163

Date 2/3/05 Signature Mark D. Workman, P.E.

You may appeal this determination:
to **Hearing Examiner**
at **City Hall, 325 SE Paradise Street, Pullman, WA 99163**
no later than **February 17, 2005**
by (method) **Letter (in writing)**

You should be prepared to make specific factual objections.

Contact the Director of Public Works to read or ask about the procedures for SEPA appeals.

There is no agency appeal.

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF PULLMAN**

In the Matter of the Proposed
Comprehensive Plan Map Amendment
Associated with Zone Change No. Z-08-1

) Resolution No. PC-2008-1
)
) A Resolution Adopting Findings of
) Fact and Conclusions Representing
) the Official Determination of the
) City of Pullman Planning
) Commission

WHEREAS, the City of Pullman is requesting a Comprehensive Plan map amendment from Low Density Residential to Commercial with respect to real property located at 1101 Wawawai Road, and more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof as though set forth in full herein; and,

WHEREAS, a notice of the Planning Commission public hearing on this matter was mailed to pertinent parties on January 11, 2008, said notice was published in the Moscow-Pullman Daily News on January 12, 2008, and said notice was posted at the subject property on January 10, 2008; and,

WHEREAS, a public hearing was held before the Planning Commission on January 23, 2008, at 7:30 p.m. in the Council Chambers at City Hall, 325 SE Paradise Street, Pullman, Washington, at which time public comment from persons favoring and opposing this proposal was solicited, and after hearing public comment thereon, Commission members deliberated over the matter in open session; and,

WHEREAS, this Commission now considering it appropriate to enter its formal written decision, makes and enters the following

Findings of Fact

1. On November 28, 2007, the Pullman Planning Commission initiated a zone change proposal for a parcel of land located at 1101 Wawawai Road, involving an amendment of the prezone designation from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial, and a corresponding Comprehensive Plan map amendment from Low Density Residential to Commercial; said application was labeled by planning staff as No. Z-08-1.
2. The applicant is requesting this zone change and Comprehensive Plan amendment in order to allow the existing radio station on the subject property to conform to its zoning designation.

3. Staff Report No. 08-1, prepared by planning director Pete Dickinson, provides the following zoning district descriptions:

R2 district: provides for single-family dwellings, duplexes, manufactured homes, townhouses, and apartments developed to a maximum density of 15 dwelling units per net acre.

C1 district: provides for small retail and personal service businesses that primarily serve the day-to-day needs of the immediate neighborhood and is characterized by small buildings, low vehicular traffic generation, considerable walk-in trade, and quiet operations.

4. The subject property, which contains the Radio Palouse radio studio, is 9,000 square feet in area and slopes uphill moderately from south to north.
5. Water and sewer lines are being installed south of the subject property as part of the Whispering Hills Subdivision No. 3 development; Staff Report No. 08-1 states that a storm drain facility could be constructed with any future development of the subject property.
6. The area to the north is rezoned R2, located outside the city limits, and is undeveloped; the land to the east is zoned R2 and is occupied by single family residences, duplexes, and undeveloped land; the property to the south is zoned R2 and contains a residential subdivision under construction; the area to the west is rezoned R2, located outside the city limits, and is mainly undeveloped land with a radio transmitting tower.
7. Access to the subject property is gained by way of Wawawai Road, designated on the Comprehensive Plan Arterial Street Plan Map as a secondary arterial.
8. An Environmental Checklist was submitted for this proposal on January 27, 2005 pursuant to a previous rezoning change request for the subject property; following a review of said checklist, the Responsible Official issued a Determination of Nonsignificance for the proposal on February 3, 2005.
9. Staff Report No. 08-1 references the following case history pertinent to this Comprehensive Plan map amendment and zone change proposal:

At the City Council meeting on January 25, 2005, the Council accepted the proposed Hinrichs annexation with four conditions. (The Hinrichs annexation parcel is located adjacent to the subject property.) One of the Council's conditions stated that "the petitioners shall include in the proposed annexation area all of the contiguous unincorporated land located northeast of the subject property." If this condition were to be fulfilled without any change in zoning, the radio station property would be brought into the city under an R2 zoning designation. The Hinrichs annexation proposal is still pending at this time.

10. Prior to the Planning Commission public hearing on this matter, notification of this proposal was distributed to a number of local agencies. Staff Report No. 08-1 provides the following description of these agencies' responses to this notification:

- a. **Pullman Public Services Department:** Inquired whether the radio antenna on the adjacent parcel would be allowed to relocate on the subject property and inquired regarding any noise concerns that would be associated with a new antenna.
- b. **Pullman Fire Department:** Remarked that there were no comments on the proposed action.
- c. **Pullman Police Department:** *No response.*
- d. **Pullman Public Works Department:** Remarked that there were no concerns or comments on the proposed action.
- e. **Pullman Protective Inspections Division:** *No response.*
- f. **Pullman School District:** *No response.*

11. Staff Report No. 08-1 references the following provisions from the Pullman Comprehensive Plan and Pullman Zoning Code that are pertinent to this Comprehensive Plan map amendment and zone change proposal:

Comprehensive Plan Goals LU1, LU3, LU4, and LU5 and their respective policies

Zoning Code Sections 17.01.050, 17.30.020, 17.70.030, 17.75.010, 17.75.040, 17.80.010, 17.80.020, 17.80.060, 17.110.030, 17.110.040, 17.115.020

12. Staff Report No. 08-1 states the following:

Planning staff is in favor of granting this zone change. This proposal, in staff's view, would promote the public health, safety, and welfare, and would be a benefit to the residents of the city.

13. Staff Report No. 08-1 reads, in part, as follows:

The Planning Commission has initiated this prezone change because the annexation of this property could create a hardship to the Radio Palouse station. The pending annexation that would bring this property into the City would also create an R2 zoning district designation. Radio studios are not allowed in any residential zone. This means the radio station would become a nonconforming use. According to Pullman zoning code regulations, nonconforming uses are allowed to continue, but they may not be enlarged through such means as increasing floor area or building height. Also, if the structure containing a nonconforming use sustains damage amounting to more than 75 percent of its value, the use may not be reestablished at that site. Currently, radio studios are not permitted in the C1 zone, but the Planning Commission has initiated a companion case to amend the zoning code for the purpose of allowing radio and television studios in the C1 district.

14. Staff Report No. 08-1 includes the following paragraph:

The subject property appears to be well-suited for the establishment of a C1 district. The purpose of Neighborhood Commercial districts is to accommodate “small retail and personal service buildings” and the district is to be “characterized by small buildings, low vehicular traffic generation, considerable walk-in trade, and quiet operations”. Although the operation of a radio station does not completely meet all of the criteria given, staff believes it meets certain aspects. The radio station is a small building, with quiet operations. Staff expects uses on the property would maintain a low vehicular traffic generation rate. The parcel in question is suitable with regard to accommodating the vehicular traffic, since it has direct access from a secondary arterial street (Wawawai Road).

15. Staff Report No. 08-1 states the following:

There are special criteria stated as rezone guidelines for the C1 zone district, and the subject property meets all the criteria set forth. The district will not be located closer than one-quarter pedestrian mile to another commercial district of similar services. The size of the parcel under consideration is 9,000 square feet, which is less than the one-acre maximum area prescribed in the code. Direct access to the property is provided on a secondary arterial and access to the parking facilities are also located off the secondary arterial without being disruptive to the traffic flow in the neighborhoods. Finally, the subject lot frontage is approximately 225 feet; this is well within the maximum limitation of 400 feet.

16. Staff Report No. 08-1 states the following:

Given the long-standing land use at the subject property, it appears that the city’s assignment of an R2 prezone to this parcel as part of a broad R2 prezone designation for all of the area in the vicinity of Wawawai Road was done in error. From staff’s perspective, approval of this proposed zone change would correct this error. The location of a radio station or other uses allowed in the C1 district at the site in question would appear to be compatible with surrounding properties. Planning staff believes that rezoning the subject property to a C1 zoning designation would be consistent with the pertinent objectives of the Comprehensive Plan and zoning code. In planning staff’s view, this Comprehensive Plan map amendment and zone change request should be approved.

FROM the foregoing Findings of Fact, this Commission now makes the following

Conclusions

1. This proposal is consistent with the applicable policies of the Pullman Comprehensive Plan.

2. This proposal is consistent with the overall purposes of the Pullman Zoning Code and the purposes of the proposed zone districts.
3. The city's assignment of an R2 prezone to this parcel as part of a broad R2 prezone designation for all of the area in the vicinity of Wawawai Road appears to have been done in error and the proposed change in zoning and Comprehensive Plan designations would correct this apparent error.
4. The uses allowed under the proposed zoning designations are compatible with adjacent land uses and zoning classifications.
5. This proposal would not have an adverse effect on community facilities and services.
6. The subject property is suitable for land uses allowed under the proposed zoning districts.
7. This proposal would not have a significant adverse environmental impact.
8. This proposal would promote the public health, safety, and welfare, and would be a benefit to the residents of the city.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Planning Commission for the city of Pullman that, based upon the foregoing Findings of Fact and Conclusions, this Commission now makes and enters its formal

Decision

The proposed Comprehensive Plan Land Use Map Amendment from Low Density Residential to Commercial for the property herein described is hereby forwarded to the City Council with a recommendation for approval.

DATED this _____ day of _____, 2008.

Chair
Pullman Planning Commission

ATTEST: _____
Planning Director

TRANSMITTED to the City Council through the office of the Mayor by the Planning Commission pursuant to the provisions of P.C.C. 17.180.040(1) this _____ day of _____, 2008.

RECEIVED by the Mayor this _____ day of _____, 2008, and certified by the Finance Director as to the date of receipt thereof.

Mayor

Finance Director

LEGAL DESCRIPTION
Zone Change – Radio Palouse

A parcel of land situate in the northeast quarter of the southeast quarter of Section 1, T.14N., R.44E., W.M., City of Pullman, County of Whitman, State of Washington, and being further described as follows:

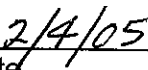
Beginning at the intersection between the east-west centerline of said Section 1 and the northerly right-of-way line (R.O.W.) of Old Wawawai Road (formerly PSH No. 3), and running thence
S.60°38'W. 225.79 feet along said northerly R.O.W.;
thence N.14°41'W. 114.47 feet to a point on the said east-west centerline of Section 1;
thence due East 225.7 feet along said east-west centerline to the true point of beginning,

Area of said-described parcel of land being 0.287 acres, more or less.

Approved as to form:



Deputy Director of Public Works



Date

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF PULLMAN**

In the Matter of Zone Change
Application No. Z-08-1

) Resolution No. PC-2008-2
)
) A Resolution Adopting Findings of
) Fact and Conclusions Representing
) the Official Determination of the
) City of Pullman Planning
) Commission

WHEREAS, the City of Pullman is requesting a prezone change from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial with respect to real property located at 1101 Wawawai Road, and more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof as though set forth in full herein; and,

WHEREAS, a notice of the Planning Commission public hearing on this matter was mailed to pertinent parties on January 11, 2008, said notice was published in the Moscow-Pullman Daily News on January 12, 2008, and said notice was posted at the subject property on January 10, 2008; and,

WHEREAS, a public hearing was held before the Planning Commission on January 23, 2008, at 7:30 p.m. in the Council Chambers at City Hall, 325 SE Paradise Street, Pullman, Washington, at which time public comment from persons favoring and opposing this proposal was solicited, and after hearing public comment thereon, Commission members deliberated over the matter in open session; and,

WHEREAS, this Commission now considering it appropriate to enter its formal written decision, makes and enters the following

Findings of Fact

1. On November 28, 2007, the Pullman Planning Commission initiated a zone change proposal for a parcel of land located at 1101 Wawawai Road, involving an amendment of the prezone designation from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial, and a corresponding Comprehensive Plan map amendment from Low Density Residential to Commercial; said application was labeled by planning staff as No. Z-08-1.
2. The applicant is requesting this zone change and Comprehensive Plan amendment in order to allow the existing radio station on the subject property to conform to its zoning designation.

3. Staff Report No. 08-1, prepared by planning director Pete Dickinson, provides the following zoning district descriptions:

R2 district: provides for single-family dwellings, duplexes, manufactured homes, townhouses, and apartments developed to a maximum density of 15 dwelling units per net acre.

C1 district: provides for small retail and personal service businesses that primarily serve the day-to-day needs of the immediate neighborhood and is characterized by small buildings, low vehicular traffic generation, considerable walk-in trade, and quiet operations.

4. The subject property, which contains the Radio Palouse radio studio, is 9,000 square feet in area and slopes uphill moderately from south to north.
5. Water and sewer lines are being installed south of the subject property as part of the Whispering Hills Subdivision No. 3 development; Staff Report No. 08-1 states that a storm drain facility could be constructed with any future development of the subject property.
6. The area to the north is rezoned R2, located outside the city limits, and is undeveloped; the land to the east is zoned R2 and is occupied by single family residences, duplexes, and undeveloped land; the property to the south is zoned R2 and contains a residential subdivision under construction; the area to the west is rezoned R2, located outside the city limits, and is mainly undeveloped land with a radio transmitting tower.
7. Access to the subject property is gained by way of Wawawai Road, designated on the Comprehensive Plan Arterial Street Plan Map as a secondary arterial.
8. An Environmental Checklist was submitted for this proposal on January 27, 2005 pursuant to a previous rezone change request for the subject property; following a review of said checklist, the Responsible Official issued a Determination of Nonsignificance for the proposal on February 3, 2005.
9. Staff Report No. 08-1 references the following case history pertinent to this Comprehensive Plan map amendment and zone change proposal:

At the City Council meeting on January 25, 2005, the Council accepted the proposed Hinrichs annexation with four conditions. (The Hinrichs annexation parcel is located adjacent to the subject property.) One of the Council's conditions stated that "the petitioners shall include in the proposed annexation area all of the contiguous unincorporated land located northeast of the subject property." If this condition were to be fulfilled without any change in zoning, the radio station property would be brought into the city under an R2 zoning designation. The Hinrichs annexation proposal is still pending at this time.

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- c. **Pullman Police Department:** *No response.*
- d. **Pullman Public Works Department:** Remarked that there were no concerns or comments on the proposed action.
- e. **Pullman Protective Inspections Division:** *No response.*
- f. **Pullman School District:** *No response.*

11. Staff Report No. 08-1 references the following provisions from the Pullman Comprehensive Plan and Pullman Zoning Code that are pertinent to this Comprehensive Plan map amendment and zone change proposal:

Comprehensive Plan Goals LU1, LU3, LU4, and LU5 and their respective policies

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FROM the foregoing Findings of Fact, this Commission now makes the following

Conclusions

1. This proposal is consistent with the applicable policies of the Pullman Comprehensive Plan.

2. This proposal is consistent with the overall purposes of the Pullman Zoning Code and the purposes of the proposed zone districts.
3. The city's assignment of an R2 prezone to this parcel as part of a broad R2 prezone designation for all of the area in the vicinity of Wawawai Road appears to have been done in error and the proposed change in zoning and Comprehensive Plan designations would correct this apparent error.
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7. This proposal would not have a significant adverse environmental impact.
8. This proposal would promote the public health, safety, and welfare, and would be a benefit to the residents of the city.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Planning Commission for the city of Pullman that, based upon the foregoing Findings of Fact and Conclusions, this Commission now makes and enters its formal

Decision

The proposed prezone change from R2 Low Density Multi-Family Residential to C1 Neighborhood Commercial District for the property herein described is hereby forwarded to the City Council with a recommendation for approval.

DATED this _____ day of _____, 2008.

Chair
Pullman Planning Commission

ATTEST:

Planning Director

TRANSMITTED to the City Council through the office of the Mayor by the Planning Commission pursuant to the provisions of P.C.C. 17.180.040(1) this _____ day of _____, 2008.

RECEIVED by the Mayor this _____ day of _____, 2008, and certified by the Finance Director as to the date of receipt thereof.

Mayor

Finance Director

LEGAL DESCRIPTION
Zone Change – Radio Palouse

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Beginning at the intersection between the east-west centerline of said Section 1 and the northerly right-of-way line (R.O.W.) of Old Wawawai Road (formerly PSH No. 3), and running thence
S. 60°38'W. 225.79 feet along said northerly R.O.W.;
thence N. 14°41'W. 114.47 feet to a point on the said east-west centerline of Section 1;
thence due East 225.7 feet along said east-west centerline to the true point of beginning,

Area of said-described parcel of land being 0.287 acres, more or less.

Approved as to form:



Deputy Director of Public Works

2/4/05

Date

Exhibit "A"