



Planning Commission

DELIBERATION ON RECOMMENDATION TO CITY COUNCIL: Proposed Development Code Amendment Revising Rezone Criteria and Relating Pending Change in Comprehensive Plan's Future Land Use Map to Zoning Map

Agenda Date: 6/18/2014
Agenda Item Number:
File Number: 13-0552

Type: recommendation **Version:** 3 **Status:** Filed

Title

DELIBERATION ON RECOMMENDATION TO CITY COUNCIL: Proposed Development Code Amendment Revising Rezone Criteria and Relating Pending Change in Comprehensive Plan's Future Land Use Map to Zoning Map

Report

Issue:

The draft Comprehensive Plan as recommended by the Planning Commission and now being reviewed by the City Council would consolidate land use categories in the Plan. Specifically, it would reduce the number of categories from over 30 to about 15. In addition, the draft Plan would add a specific Plan policy regarding rezone criteria. The City staff proposes a development code amendment revising the rezone criteria, including a new provision describing the relationship between the proposed more general Land Use map and the specific land use districts of the zoning code. (Note, 'rezones' are amendments of the zoning map depicting which property is within each land use zone or district described in the development (zoning) regulations.)

Staff Contact:

Todd Stamm, Community Planning & Development, Principal Planner, (360) 753-8597

Presenter(s):

Todd Stamm, Principal Planner

Background and Analysis:

Until 1994, Olympia's Comprehensive Plans included future land use maps that were general in nature. For example, the 1988 Plan's future land use map included 14 land use categories. In contrast, the City's zoning code included 19 zones plus various 'limited' and 'planned development' designations. When Olympia updated the Comprehensive Plan and zoning in response to the Growth Management Act of the early 90's, the City decided to include a more detailed Future Land Use Map in the Plan with over thirty land use categories with specific boundaries. The subsequent new zoning map 'mirrored' this detailed Plan map. The result of this approach has been a reduction

in regulatory flexibility. Instead of the City or property owners being able to propose zoning map changes in response to changing circumstances, nearly any change in the zoning map must be accompanied by an amendment of the Comprehensive Plan. Such Plan amendments must be considered as part of a constrained annual review process.

Whether to continue this approach or revert to the more traditional ‘general plan map’ combined with finer scale zoning was a topic of staff, public and Commission discussion during “Imagine Olympia” (the ongoing Plan update process). The staff proposed, and ultimately the Commission recommended, reverting to the more general map approach. A staff-prepared background “white paper” on this topic is available on request. A related new ‘rezone criteria’ policy was also recommended and is now being considered by the Council.

As currently proposed, that policy would read:

Proposed rezones shall meet criteria to be adopted into the Olympia Municipal Code that address:

1. Consistency with the Comprehensive Plan.
2. Consistency with the City’s development regulations that implement the Comprehensive Plan.
3. Compatibility with adjoining zoning districts and transitioning where appropriate to ensure compatibility.

Whether the City should adopt this change in the Comprehensive Plan is one of the many issues now before the City Council. However, the Growth Management Act requires ‘development regulations that are consistent with and implement the comprehensive plan.’ RCW 36.70A.040. Thus, if the Council decides to adopt the proposed Future Land Use Map in the form recommended by the Commission, the staff believes the development (zoning) code should be amended to ensure that the more specific zoning map continues to be consistent with the Plan map. In particular, to provide guidance to zoning administrators and the public, the staff proposes that Olympia Municipal Code Section 18.59.050, “Decision criteria for rezone requests,” should be revised as set forth in the attached documents.

Both the pending Comprehensive Plan update and the Development Code include descriptions of the intent and purposes of these Land Use designations and zoning districts. (See the proposed Plan’s Land Use and Urban Design chapter Appendix A for the former, and Olympia Municipal Code sections 18.04.020, 18.05.020, 18.060.020 and 18.08.020 for the latter.) The proposed code amendment would supplement those and other provisions of the two documents and is intended to avoid any misunderstanding regarding the levels of specificity and flexibility associated with the two maps.

Because this is a proposed amendment of the development code, State law requires a public hearing and Planning Commission review and recommendation prior to Council action. To ensure a smooth transition to the updated Comprehensive Plan, the staff is presenting this proposal to the Planning Commission now so an appropriate code amendment can be adopted by the City Council

concurrently with the Comprehensive Plan update a few months from now. Of course, if the Council elects to adopt a different version of the Future Land Use map, some revision of the attached proposal may be needed.

Elements of the proposed update are drawn from the direction provided by the pending Comprehensive Plan update, court rulings and examples from other Washington cities. Staff notes provided as part of attached proposal indicate some of these sources. However, because there is no one 'right' approach, the particular rezone criteria proposed would be unique to Olympia. In evaluating this proposal, the staff recommends that the Commission consider:

- That the final decision regarding any rezone will be made by the City Council following a public hearing and recommendation from the Planning Commission
- These rezone criteria will be applicable to all zoning map amendments, i.e., they should be crafted with all types of possibilities in mind, and not just pending, unique or special cases
- Criteria that more readily allow changes in zoning allow more flexibility for responding to changes in circumstances
- Criteria that more strictly limit rezones provide more predictability for property owners, residents, businesses and the general public

Specific details the Commission may wish to examine include:

1. Which of the criteria should be minimum requirements, and which should be 'factors to consider' in reaching a rezone decision?
2. If a minimum requirement, is the requirement reasonable? (Note that applicants must demonstrate compliance with minimums, i.e., they have the 'burden of proof'.)
3. Is it appropriate to allow all existing zoning to remain 'as is'?
4. Is four blocks (about 1000 feet) from a location shown on the Future Land Use Map an appropriate 'close enough' distance for Neighborhood Centers?
5. Should lower density residential zones be acceptable in Urban Corridors? (The proposed Plan has a 15-units-per-acre minimum, so staff has proposed only zones that allow that many units. At present some portions of urban corridors are in the 'Single-family Residential 4 to 8 units per acre zone.')

Neighborhood/Community Interests (if known):

In addition to publication in the Olympian and mailing to other agencies and the news media, notice of this public hearing was provided directly to representatives of all of the City's recognized neighborhood associations on or before May 9. These notices have led to a handful of requests for copies of the amendment. Property owners, developers, and the general public may all be interested in this topic, particularly with respect to the degree of flexibility to be provided by the new code provisions.

Options (following close of public hearing):

1. Recommend Council approval as proposed.
2. Recommend alternative version of recommendation.
3. Table proposal until Council reaches a decision on Comprehensive Plan update.

Financial Impact:

Type: recommendation **Version:** 3 **Status:** Filed

Cost of code amendment included in base budget.