



## Planning Commission

### Collection of Rezone Proposals - Code Amendment Public Hearing

**Agenda Date:** 2/2/2015  
**Agenda Item Number:** 6.A  
**File Number:** 15-0111

---

**Type:** public hearing **Version:** 1 **Status:** Filed

---

#### **Title**

Collection of Rezone Proposals - Code Amendment Public Hearing

#### **Recommended Action**

Open public hearing and receive staff report and public comments; following close of public hearing specify whether additional time will be provided for written comment.

#### **Report**

##### **Issue:**

The Growth Management Act requires that development regulations be consistent with a city's Comprehensive Plan. The recently updated Olympia Comprehensive Plan includes a less specific Future Land Use Map than the prior version. This will probably result in more requests to amend the City zoning map (known as 'rezones') that will not require also amending the Plan. Usually, such rezone applications are reviewed individually when proposed. During consideration of the Plan update members of the public commented that like annual Comprehensive Plan amendments, the City should review rezone proposals collectively. Commenters suggested this would make it easier for the general public to participate in review of rezone proposals.

##### **Staff Contact:**

Todd Stamm, Principal Planner, Community Planning and Development Department, 360.753.8597

##### **Presenter:**

Todd Stamm, Principal Planner

##### **Background and Analysis:**

This issue was referred to the Planning Commission by the City Council in December of 2014. The Commission was briefed regarding this referral on January 5, 2015. The Commission directed that that a proposal be prepared by staff and a public hearing be scheduled.

The proposed development code amendment would collect all rezone proposals into two annual sets. One set would be reviewed concurrently with annual Comprehensive Plan amendments. The other set would be reviewed during a separate period during the year, probably about six months 'out of synch' with the Plan amendments. Rezone amendments could be submitted at any time, and the City Council would establish 'due dates' for each of the two sets of applications to be collected for review.

This limitation would apply to private proposals and those initiated by the City and other agencies such as the school district; as proposed, the City Council would have the authority to grant specific exception. Specific text of the proposed code amendment is attached to this report.

Olympia's process for reviewing site-specific rezone applications must conform to the State's Local Project Review Act (RCW Chapter 36.70B). The Act requires that local jurisdictions establish and implement time limits and other predictable procedures with regard to rezone proposals, and that such review periods "should not exceed one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed to process specific complete project permit applications or project types." RCW 36.70B.080(1). No other local jurisdictions are known to restrict the timing of rezone applications that are independent of Plan amendments, nor to routinely consolidate them into sets or 'batches' for public review. Nonetheless this approach seems to be an option available to local jurisdictions so long as the procedure and timing are predictable and do not cause unreasonable delays.

The Local Project Review Act and the proposed local rule only apply to "site specific" rezones. These rules would not apply to subarea and citywide changes in zoning. However, 'site specific rezone' is not defined in the state statute, and the city staff does not propose to define it in local code.

Prior to adoption of the recent Plan update nearly all site specific rezones also required a Comprehensive Plan amendment to ensure the zoning was consistent with the Plan. Thus over the last twenty years nearly all rezone applications were collected into annual sets, with the result that an applicant who missed an annual 'window' had to wait nearly 24 months for a decision regarding a proposed rezone. Although the attached proposal would cause delay in some cases, nearly all rezone applications would be decided in 12 months - and many in about six months.

Site specific rezone applications are subject to a 'quasi-judicial' review process including review pursuant to the State Environmental Policy Act, a public hearing held by the Planning Commission or a Hearing Examiner, a recommendation to the City Council with specific findings based on adopted criteria, followed by a Council decision. Notice of the hearing is mailed to property owners within 300 feet (and sometimes more) and to interested parties of record; posted at the site; and published in the Olympian. In addition, the City often posts notice on the city website and issues news releases and other notice of rezone applications.

#### Advantages and Disadvantages

If a rezone application is reviewed and decided immediately upon receipt, this process would ordinarily lead to a final Council decision in 4 to 6 months after the application is received. Delays associated with collecting applications into sets would result from awaiting the next 'due date' of the year. This delay could add development costs, and could discourage or prevent changes in zoning that would support development beneficial to or preferred by the community. This is the primary adverse impact of mandating rezone application 'batching.' Of course, the specific effect of any delay would vary with the circumstances surrounding the proposal.

Benefits of collecting rezone applications into sets include:

- Greater ability for general public to monitor and participate in the review process
- Ease of scheduling on agendas of the Planning Commission and City Council

- Some staff efficiencies would result from conducting multiple similar reviews simultaneously
- Related proposals might be considered concurrently, for example a sudden demand for office space could lead to more than one request for a rezone to allow office uses
- There would be less disruption of other development review processes (the nature of the rezone review process often requires reallocating staff resources)

Based on experience in Olympia prior to 1994, and in other jurisdictions, the staff anticipates that two to six such rezone applications will be received each year. There is no 'magic number' of annual consolidated rezone application processes. The staff proposes two annual sets as a balance between minimizing the potential delay associated with requiring consolidation of review and the advantages of consolidation.

**Neighborhood/Community Interests (if known):**

A few parties commented on this issue during the Comprehensive Plan update process known as Imagine Olympia. Notice of this public hearing has been provided to those parties the staff was able to identify.

**Options:**

Following close of hearing record:

1. Recommend that City Council approve code amendment as proposed.
2. Recommend that City Council approve an alternative version.
3. Recommend that City Council not revise code with respect to this issue.

**Financial Impact:**

Consolidating rezone applications into sets will probably result in a small 'efficiency' savings for the City; related delay in awaiting rezone decisions may result in slight increase in development costs.