



City Council

Approval of an Ordinance Amending Olympia Municipal Code 18.58.060 and 18.72.170 Related to the Timing of Review of Zoning Map Amendment (Rezone) Applications

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Title

Approval of an Ordinance Amending Olympia Municipal Code 18.58.060 and 18.72.170 Related to the Timing of Review of Zoning Map Amendment (Rezone) Applications

Recommended Action

Planning Commission Recommendation:

Planning Commission recommends approval of attached ordinance.

City Manager Recommendation:

Move to approve on second reading the attached ordinance related to the timing of review of zoning map amendment (rezone) applications.

Report

Issue:

The City's current development code provides that requests to amend the City zoning map (known as 'rezones') may be submitted and considered at any time. Subject to certain exceptions, the proposed ordinance would collect such proposals into semi-annual sets instead of reviewing them individually.

Staff Contact:

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

Presenter:

None; consent agenda item.

Background and Analysis:

The background and analysis have not changed from first to second reading.

The City's development code provides that zoning map amendments, known as 'rezones,' may be considered at any time. During review of the Comprehensive Plan update members of the public commented that the new more general format of the Plan was likely to result in more rezone applications and that the City should review rezone proposals collectively - like Plan amendments --

rather than whenever proposed. Commenters suggested this would make it easier for the general public to participate in the review of rezone proposals. This issue was referred to the Planning Commission by the City Council in December of 2014.

Planning Commission Review

The Commission was briefed regarding this referral on January 5, 2015. The Commission held a public hearing regarding a proposed code amendment on February 2 and accepted written comments until February 13. Parties that expressed interest in this topic during the Plan update were notified of this hearing. Two parties commented, generally suggesting that rezone applications should be considered only once or twice each year and that such review should be concurrent with the Comprehensive Plan amendment process.

The Commission issued its recommendation on February 23, 2015. The Commission concluded that collecting rezone applications into two annual sets with specific start-dates six months apart would balance issues of delay in considering proposals with the public's interest in establishing predictable review schedules. The Commission concluded that because the review process for rezones differs significantly from that for Plan amendments, these two rezone-review cycles should be separate from the annual Plan amendment process. The staff concurs with the Commission's recommendation. The attached ordinance reflects the Commission's recommendation with the addition of specific dates, which the Commission directed be based on staff's judgment. (For more information, see attached excerpt of minutes of Commission meetings on this topic.)

The Proposal

The proposed development code amendment would allow applicants to submit rezone applications at any time. However, any proposals would be reviewed as part of two annual sets. One review period would begin on April 1 with the other beginning six months later on October 1. Each would be subject to a 180-day review period (see below regarding the State-standard 120-day period) and thus, barring delays, any final Council decisions would usually be made in September and March, respectively.

This limitation would apply to site-specific rezone proposals including any proposed by a government agency such as the Port, City or a school district. However, this limitation would not apply to area-wide rezone proposals and similar change in the development code. In addition, the City Council would retain the authority to grant other specific exceptions.

Analysis Summary

Based on experience, staff anticipates that two to six rezone applications will be received each year. 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).

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 Olympia 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. (Note, on May 19, 2015, the Council referred a separate Planning Commission recommendation regarding who should hold the hearing to the Land Use and Environment Committee for further review.)

Completing this process within 120 days is very difficult and provides little time for staff analysis, public review and comment. If a rezone application is reviewed and decided immediately upon receipt, this process would ordinarily lead to a final Council decision 4 to 6 months after the application is received.

Some delay 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.

Some of the benefits of collecting rezone applications into sets include: a greater ability for general public to monitor and participate in the review process; easier scheduling at Planning Commission and City Council meetings; less disruption of other development review processes; and 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. As proposed by the Commission, confusion would be avoided by separating any rezone process from the more complex nine to twelve-month long Comprehensive Plan amendment process.

Neighborhood/Community Interests:

Although specific rezones are often of significant public interest, only a few parties commented on this procedural issue during the Comprehensive Plan update process and at the Planning Commission's public hearing.

Options:

1. Approve code amendment as proposed.
2. Direct staff to prepare an alternative version.
3. Refer the proposal to the Land Use and Environment Committee for review and recommendation.

Financial Impact:

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