

8. AN ORDINANCE RELATING TO THE CONSTRUCTION CODE.

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STAFF REPORT

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QUESTIONS FROM COUNCIL ON STAFF REPORT

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READING OF ORDINANCE NO. 10-8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 2 CONSTRUCTION CODE, AMENDING SECTIONS 2.10.090, 2.10.110, 2.10.140, 2.15.010, 2.15.015, 2.15.020, 2.15.035, 2.15.070, 2.20.010, 2.20.050, 2.25.010, 2.25.020, 2.30.010 and 2.35.010 OF THE PULLMAN CITY CODE AND PULLMAN CITY ORDINANCES NOS. 86-11 §§1, 10, 12 AND 15 (1986); 86-12 §§1, 2 AND 7 (1986); 86-13 §1 (1986); 86-14 §§1 AND 2 (1986); 86-15 §1 (1986); 86-16 §1 (1986); 86-34 §1 (1986); 87-15 §1 (1987); 89-4 §1 (1989); 89-14 §§3, 5, 6, 7, 9, 10 AND 11 (1989); 90-24 §1 (1990); 91-24 §1 (1991); 92-22 §§3, 4, 5, 6, 9 AND 10 (1992); 93-3 §1 (1993); 96-2 §§2, 3, 8, 9, 10 AND 11 (1996); 97-14 §1 (1997); 97-16 §2 (1997); 99-2 §§2, 4, 5, 6, 7, 9, 10, 11 AND 12 (1999); 02-41 §§1, 2, 3 AND 4 (2002); AND 05-2 §§3, 5, 6, 8, 10, 13, 14, 16, 17, 20, 23 AND 24 (2005); 08-2 §§3, 4, 6, 7, 10, 11 AND 12 (2008) ADDING SECTION 2.30.015; AND REPEALING SECTION 2.15.030 AND PULLMAN CITY ORDINANCES NOS. 86-12 §3 (1986); 97-16 §1 (1997); 05-2 §7 (2005) AND 08-2 §8 (2008) AND OTHER MATTERS PROPERLY PERTAINING THERETO.

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DISCUSSION

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ACTION TAKEN

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NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 05/11/10

### ACTION REQUESTED:

Adopt amendments to Title 2 of the Pullman City Code, Construction Code.

### BACKGROUND:

See attached Staff Report No. 031.

### RECOMMENDATION:

Pass the attached ordinance adopting revisions to Title 2 of the Pullman City Code, Construction Code.

### FISCAL IMPACT:

\_\_\_\_\_  
\_\_\_\_\_  
BARS Code Number

### SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Staff Report No. 031
2. Ordinance No. 10-8

### REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>5/4/10</u>
City Supervisor	<u>gsh</u>	<u>5-6-10</u>
City Attorney	<u>May</u>	<u>5-5-10</u>

(As to Form)



# CITY OF PULLMAN

## Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163  
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### *MEMORANDUM*

**TO:** Mayor and City Council

**FROM:** Greg Colvig, Senior Building Inspector  
Mark Workman, Public Works Director

**FOR:** May 11, 2010 City Council Meeting

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#### **Staff Report No. 031**

The State of Washington chose July 1, 2010 as the effective date for the updates to the Washington State Building Code. RCW 19.27 requires cities and counties to adopt and enforce the Washington State Building Code.

The Washington State Building Code consists of five model codes with state amendments and two codes specific to the State of Washington. The model codes are the International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC) and International Fuel Gas Code (IFGC) published by the International Code Council and the Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards published by the International Association of Plumbing and Mechanical Officials. The two non-model codes are the Washington State Energy Code (WSEC) and, currently, the Washington State Indoor Ventilation and Air Quality Code (WSIVAC). The National Electrical Code (NEC) is adopted by the State of Washington but is not part of the Washington State Building Code. These codes are adopted in the city's Construction Code, Title 2 of the Pullman City Code (PCC).

There are a number of minor revisions to Title 2 that need to be made such as changing to the new code editions, correcting punctuation, correcting errors, changes in the text in the model codes, and changes in the text recommended by the City Attorney. I have attached a copy of Title 2 of the PCC showing proposed additions or deletions to the Construction Code.

I have listed the major changes to the Construction Code with a brief explanation of the reason for the change below:

2.10.140 Violation-Penalty

The verbiage of this section was changed as recommended by the City Attorney to make it consistent with the Penalty For Violations section of the Fire Code, PCC 13.16.180.

2.15.010(2) Building Code defined

The WSIVAC is deleted from the Washington State Building Code. The ventilation requirements are now addressed in the model codes, i.e., the IBC, the IMC, and the IRC.

2.15.020, 2.20.050, 2.25.20, and 2.3.015 Fees

Verbiage is added to provide for a fee to be charged for appeals to the adopted codes. Fee amounts are to be set by Council Resolution.

2.15.035 Building Permit exemptions

A section is added to clarify when decks are exempt from a permit.

2.15.070 Damage Deposit

A section is added to provide for the forfeiture of cash deposits for uncompleted permitted work that has been abandoned.

ORDINANCE NO. 10-8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 2 CONSTRUCTION CODE, AMENDING SECTIONS 2.10.090, 2.10.110, 2.10.140, 2.15.010, 2.15.015, 2.15.020, 2.15.035, 2.15.070, 2.20.010, 2.20.050, 2.25.010, 2.25.020, 2.30.010 and 2.35.010 OF THE PULLMAN CITY CODE AND PULLMAN CITY ORDINANCES NOS. 86-11 §§1, 10, 12 AND 15 (1986); 86-12 §§1, 2 AND 7 (1986); 86-13 §1 (1986); 86-14 §§1 AND 2 (1986); 86-15 §1 (1986); 86-16 §1 (1986); 86-34 §1 (1986); 87-15 §1 (1987); 89-4 §1 (1989); 89-14 §§3, 5, 6, 7, 9, 10 AND 11 (1989); 90-24 §1 (1990); 91-24 §1 (1991); 92-22 §§3, 4, 5, 6, 9 AND 10 (1992); 93-3 §1 (1993); 96-2 §§2, 3, 8, 9, 10 AND 11 (1996); 97-14 §1 (1997); 97-16 §2 (1997); 99-2 §§2, 4, 5, 6, 7, 9, 10, 11 AND 12 (1999); 02-41 §§1, 2, 3 AND 4 (2002); AND 05-2 §§3, 5, 6, 8, 10, 13, 14, 16, 17, 20, 23 AND 24 (2005); 08-2 §§3, 4, 6, 7, 10, 11 AND 12 (2008) ADDING SECTION 2.30.015; AND REPEALING SECTION 2.15.030 AND PULLMAN CITY ORDINANCES NOS. 86-12 §3 (1986); 97-16 §1 (1997); 05-2 §7 (2005) AND 08-2 §8 (2008) AND OTHER MATTERS PROPERLY PERTAINING THERETO.

The City Council of the city of Pullman do ordain as follows:

Section 1: Pullman City Code 2.10.090 and Pullman Ordinance Nos. 86-11 §§1 and 10 (1986); 89-14 §3 (1989); 92-22 §3 (1992); 99-2 §2 (1999); 05-2 §3 (2005); and 08-2 §3, (2008) are each hereby amended to read as follows:

2.10.090 Board of appeals. The board of appeals provided for in Section 112 of the International Building Code as adopted in Chapter 2.15 of this code and in Section 2-108 of the International Fire Code as adopted in Chapter 3.16 of this code, shall be the Construction Board of Appeals as supplemented and amended herein (hereinafter referred to as the "board"). The Board shall hear appeals from the codes specified in 2.10.010 composing the Construction Code, subject to the following:

- (1) The board shall consist of five members appointed ad hoc by the mayor and confirmed by the Council. Members shall serve without compensation. The appointees should have experience or training related to the matters to be considered and decided.
- (2) Any member of the board who concludes that a conflict of interest or an appearance of fairness problem exists with respect to a matter pending before the board such that the member cannot discharge his or her

duties on the board, shall disqualify himself or herself from the board with respect to that matter. The mayor may appoint a person to serve as an alternate on the board to act in place of the disqualified member with regard to that matter. Appointment of an alternate need not be confirmed by the Council.

- (3) (a) The building official shall act as an ex officio member of and secretary to the board in all matters except those dealing with the Fire Code as codified in Chapter 3.16 of this code.
- (b) The fire chief shall act as an ex officio member of and secretary to the board in all matters dealing with the Fire Code as codified in Chapter 3.16 of this code.
- (4) Rules and regulations adopted by the board shall be a public record and kept in the custody of the building official.

Section 2: Pullman City Code 2.10.110 and Pullman Ordinance Nos. 86-11 §12 (1986) and 08-2 §4 (2008) are each hereby amended to read as follows:

2.10.110 Determination by the board.

- (1) Within ten calendar days after the close of an appeals hearing, the board shall either:
  - (a) affirm the notice, order, or decision of the building official or fire chief; or
  - (b) reverse the notice, order, or decision of the building official or fire chief; or
  - (c) modify the notice, order, or decision of the building official or fire chief.
- (2) Prior to issuing its formal written decision, the board shall make findings of fact and conclusions representing the official determination of the board and specifying the basis for the decision.

(3) The decision of the board shall be a final order which shall be effective at the time specified in its decision.

(4) The Board determination shall be in conformance with the standards of IBC Section 1132.2.

Section 3: Pullman City Code 2.10.140 and Pullman Ordinance Nos. 86-11 §§1 and 15 (1986) and 99-2 §4 (1999) are each hereby amended to read as follows:

2.10.140 Violation--Penalty. ~~Any violation of the Construction Code is a class 1 civil infraction as defined in Section 1.02.020 of the Pullman City Code. Each day such violation is committed or permitted to continue shall constitute a separate offense.~~

(1) Any person who violates any of the provisions of the Construction Code or fails to comply therewith, or fails to comply with any order made thereunder, or who builds or makes a structure or installation in violation of any detailed statement of specifications or plans submitted and approved by the Building Official is guilty of a class 1 civil infraction as defined in Section 1.02.020 of the Pullman City Code.

(2) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate and continuing offense.

(3) The application of the above penalty shall not be held to prevent the removal of prohibited conditions.

Section 4: Pullman City Code 2.15.010 and Pullman Ordinance Nos. 86-12 §1 (1986); 89-14 §5 (1989); 92-22 §4 (1992); 96-2 §2 (1996); 99-2 §5 (1999); 05-2 §5 (2005) and 08-2 §6 (2008) are each hereby amended to read as follows:

2.15.010 Building Code defined. This Chapter shall be known as the "Building Code" of the city of Pullman and shall consist of:

- (1) the "International Building Code" and Appendix J entitled "Grading," 2006-2009 Edition, as published by the International Code Council (referred to in this Chapter as the IBC), with the additions, deletions, and exceptions noted in WAC 51-50 as now existing and in accordance with any amendments that may hereafter be made thereto as supplemented by;
- ~~(2) the "Washington State Ventilation and Indoor Quality Code", as adopted by the Washington State Building Code Council as codified in WAC Chapter 51-13 as now existing and in accordance with any amendments that may hereafter be made thereto.~~
- (3) the "International Residential Code", 2009 Edition, as published by the International Code Council (referred to in this Chapter as the IRC), with the additions, deletions, and exceptions noted in WAC 51-51 now existing and in accordance with any amendments that may hereafter be made thereto.

which are adopted herein by reference except as amended in this Chapter and Chapter 2.10 of this code.

Section 5: Pullman City Code 2.15.015 and Pullman Ordinance Nos. 08-2 §7 (2008) and 05-2 §23 (2005) are each hereby amended to read as follows:

2.15.015 Revisions.

The following sections of the IBC are hereby revised.

Section 101.1 Insert: City of Pullman

Section 1503 Roof drainage. Delete 'International' and insert 'Uniform'

Section 1612.3 Insert: City of Pullman

Section 1612.3 Insert: 5-19-81

Section 1805.4.3 Drainage and discharge. Delete 'International' and insert 'Uniform'

Section ~~341~~20.2 Insert: July 17, 1917

The following sections of the IRC are hereby revised.



Section R101.1 Insert: City of Pullman.

Table R301.2(1) Climatic and Geographical Design Criteria	
GROUND SNOW LOAD	30 lbs. per square foot
WIND SPEED	85 mph
TOPOGRAPHIC EFFECTS	NO
SEISMIC DESIGN CATEGORY	B
WEATHERING	severe
FROST LINE DEPTH	30 inches
TERMITE	Slight
WINTER DESIGN TEMP	2 degrees F.
ICE BARRIER UNDERLAYMENT REQUIRED	yes
FLOOD HAZARDS	May 20, 1969 5302120001C 5302120002C 5302120003C 5302120004C 5302120005C May 19, 1981
AIR FREEZING INDEX	975
MEAN ANNUAL TEMP	47.1 degrees F.

Section 6: Pullman City Code 2.15.020 and Pullman Ordinance Nos. 86-12 §2 (1986); 93-3 §1 (1993); 99-2 §6 (1999) and 05-2 §6 (2005) are each hereby amended to read as follows:

2.15.020 Schedule of fees and refunds. Fees shall be charged for building permits and any appeals to the Building Code defined in 2.15.010. The types and amounts of such fees shall be set by resolution of the City Council except where such fees are specifically set forth in this Chapter, and such fees shall supersede any fee schedule contained in the International Building Code and International Residential Code.

The amount of refund of permit fees when no work has been done shall be set by resolution of the City Council.

Section 7: Pullman City Code 2.15.035 and Pullman Ordinance Nos. 90-24 §1 (1990); 96-2 §3 (1996); 99-2 §7 (1999); 02-41 §1 (2002) and 05-2 §8 (2005) are each hereby amended to read as follows:

2.15.035 Building permit exceptions. Section 105.2 Building: of the IBC and R105.2 Building: of the IRC are amended as follows:

Work exempted from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation

of the provisions of this code or any other laws or ordinances of this jurisdiction. A building permit shall not be required for the following:

- (1) One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
- (2) Fences not over 6-feet (1,829 mm) high.
- (3) Oil derricks.
- (4) Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
- (5) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- (6) Decks, ~~S~~sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
- (7) Decks not exceeding 200 square feet (18.58 square meters) in area, that are not more than 30 inches (762mm) above grade at any point, are not attached to a dwelling and do not serve a required exit door.
- (87) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (98) Temporary motion picture, television, and theater stage sets and scenery.
- (109) Prefabricated swimming pools accessory to a Group R, occupancy as applicable in section 101.2, which are less than 24 inches (610mm) deep, does not exceed 5000 gallons (18,927 L) and are installed entirely above ground.

(~~111~~0) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(~~121~~) Swings and other playground equipment accessory to a one or two-family dwelling.

(~~132~~) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

(~~143~~) Movable cases, counters and partitions not over 5 feet 9 inches in height.

(~~154~~) Minor construction and alteration activities, as determined by the building official for R3 and U occupancies, which the total valuation as determined by the Building Official or as documented by the applicant, does not exceed \$1500 in any twelve-month period; PROVIDED, that the construction and/or alteration activity does not create a bedroom, affect any structural components, or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbing, or mechanical activities. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in R.C.W. 19.27.031, as amended and maintained by the state building code council under R.C.W. 19.27.074.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Section 8: Pullman City Code 2.15.070 and Pullman Ordinances Nos. 86-12 §7 (1986); 89-14 §6 (1989); 97-16 §2 (1997) and 05-2 §10 (2005) are each hereby amended to read as follows:

2.15.070 Damage deposit. International Building Code Section 105 and International Residential Code Section 105 entitled "Permits" are amended by adding the following:

- (1) To the cost of every permit authorized under Section 105 of the IBC and IRC except a permit issued for purposes which require no earthmoving or transportation of earth or other debris shall be added a cash deposit equal to one-half the cost of the building permit as provided for in Section 2.15.020.
- (2) The cash deposit required by 2.15.070(1) is for the purpose of assuring that any earth, fresh concrete, rock rubble or debris which is deposited on any street, alley, highway, or sidewalk by the permittee, his or her agent or contractor shall be removed at the end of the work day, or otherwise as the Building Official finds necessary for the safety of the public and so directs.
- (3) If the permittee, his or her agent, or contractor, fails to comply with the terms as set forth in Section 2.15.070(2), or if complied with and the street nevertheless is damaged as a result of any action or failure to act by the permittee, his or her agent, or contractor, then the Building Official shall order the permittee to have the street restored to a condition satisfactory to the Building Official, by grading, application and spreading of fresh rock, or by any other means necessary to restore the street. The Building Official may order restoration of the street as often as may be necessary to assure the safety and convenient use of the street by the public.
- (4) If the permittee, his or her agent, or contractor fails to comply with the Building Official's requirement as set out in this Section 2.15.070, then the Building Official may cause the work to be done and the cost thereof shall be paid from the cash deposit required of the permittee under this section; provided, however, that if the cost for such street restoration exceeds the amount of the cash deposit, the excess amount shall be charged to the permittee.

(5) The portion of the cash deposit remaining after all claims, if any, against it have been paid and the project has been approved as complete by the Building Official and the street, alley, highway or sidewalk has been returned to its approximate condition prior to construction, the remainder, if any, shall be refunded to the permittee.

(6) For any cash deposit held by the City of Pullman on or after July 1, 2010, if the permittee, his or her agent, or contractor suspends or abandons the work for a period of 180 days after the last documented inspection, the cash deposit shall be forfeited. Forfeiture of the deposit shall not relieve the permittee of any requirements, duty, or obligation to complete the work authorized by the permit or the requirements of the Construction Code.

Section 9: Pullman City Code 2.20.010 and Pullman Ordinance Nos. 86-13 §1 (1986); 89-14 §7 (1989); 92-22 §5 (1992); 96-2 §8 (1996); 99-2 §9 (1999); 02-41 §2 (2002); 05-2 §14 (2005) and 08-2 §10 (2008) are each hereby amended to read as follows:

2.20.010 Plumbing Code defined. This Chapter shall be known as the "Plumbing Code" of the city of Pullman and shall consist of:

- (1) the "Uniform Plumbing Code", 20096 Edition, as published by the International Association of Plumbing and Mechanical Officials, with the additions, deletions, and exceptions noted in WAC Chapter 51-56 and 51-57 as now existing and in accordance with any amendments that may hereafter be made thereto; and,
- (2) the "Uniform Plumbing Code Standards", 20096 Edition, as published by the International Association of Plumbing and Mechanical Officials, with the additions, deletions, and exceptions noted in WAC Chapter 51-56 and 51-57 as now existing and in accordance with any amendments that may hereafter be made thereto.

which are adopted herein by reference except as amended in this Chapter and Chapter 2.10 of this code.

Section 10: Pullman City Code 2.20.050 and Pullman Ordinances No. 05-2 §24 (2005) are each hereby amended to read as follows:

2.20.050 Schedule of fees and refunds. Fees shall be charged for plumbing permits and any appeals to the Plumbing Code defined in 2.20.010. The types and amounts of such fees shall be set by resolution of the City Council.

The amount of refund of permit fees when no work has been done shall be set by resolution of the City Council.

Section 11: Pullman City Code 2.25.010 and Pullman Ordinances Nos. 08-2 §11 (2008); 05-2 §16 (2005); 02-41 §3 (2002); 99-2 §10 (1999); 97-14 §1 (1997); 96-2 §9 (1996); 92-22 §6 (1992); 89-14 §9 (1989) and 86-14 §1 (1986) are each hereby amended to read as follows:

2.25.010 Mechanical Code defined. This Chapter shall be known as the "Mechanical Code" of the city of Pullman and shall consist of:

- (1) the "International Mechanical Code", ~~2006~~—2009 Edition, as published by the International Code Council with the additions, deletions, and exceptions noted in WAC Chapter 51-52 as now existing and in accordance with any amendments that may hereafter be made thereto,
- (2) the "International Fuel Gas Code" ~~2006~~—2009 Edition, as published by the International Code Council with the additions, deletions, and exceptions noted in WAC Chapter 51-52 as now existing and in accordance with any amendments that may hereafter be made thereto,

which are adopted herein by reference except as amended in this Chapter and Chapter 2.10 of this code.

Section 12: Pullman City Code 2.25.020 and Pullman Ordinances Nos. 05-2 §17 (2005) and 86-14 §2 (1986) are each hereby amended to read as follows:

2.25.020 Schedule of fees and refunds. Fees shall be charged for mechanical permits and any appeals to the Mechanical

Code defined in 2.25.010. The type and amounts of such fees shall be set by resolution of the City Council.

The amount of the refund of permit fees when no work has been done shall be set by resolution of the City Council

Section 13: Pullman City Code 2.30.010 and Pullman Ordinances Nos. 86-15 §1 (1986); 86-34 §1 (1986); 87-15 §1 (1987); 89-4 §1 (1989); 89-14 §10 (1989); 91-24 §1 (1991); 92-22 §9 (1992); 96-2 §10 (1996); 99-2 §11 (1999); 02-41 §4 (2002) and 08-2 §12 (2008) are each hereby amended to read as follows:

2.30.010 Energy Code defined. This Chapter shall be known as the "Energy Code" of the city of Pullman and effective from and after January 1, 1992, shall consist of:

The "Washington State Energy Code", (Residential and Non Residential) (~~2006~~—2009 Edition), as now existing and in accordance with any amendments that may hereafter be made thereto as adopted by the Washington State Building Code Council (as codified in W.A.C. Chapter 51-11).

Section 14: Pullman City Code 2.35.010 and Pullman Ordinances Nos. 86-16 §1 (1986); 89-14 §11 (1989); 92-22 §10 (1992); 96-2 §11 (1996); 99-2 §12 (1999); 05-2 §20 (2005) and 08-2 §13 (2008) are each hereby amended to read as follows:

2.35.010 Electrical Code defined. This Chapter shall be known as the "Electrical Code" of the city of Pullman and shall consist of:

- (1) the "National Electrical Code", 2008~~5~~ Edition, as published by the National Fire Protection Association; and,
- (2) the "Rules and Regulations for Installing Electrical Wires and Equipment" as adopted by the Washington State Division of Building and Construction Safety Inspection Services (as codified in W.A.C. Chapters 296-46B and 296-401),

which are adopted herein by reference except as amended in this Chapter and Chapter 2.10 of this code.

Section 15: There is hereby added a new section 2.30.015 to Chapter 2.30 Energy Code of the Pullman City Code to read as follows:

2.30.015 Fees. Fees shall be charged for any appeals to the Energy Code defined in 2.30.010

Section 16: Pullman City Code Section 2.15.030 of Chapter 2.15 Building Code and Pullman City Ordinance Nos. 08-2 §8 (2008); 05-2 §7 (2005); 97-16 §1 (1997) and 86-12 §3 (1986) are hereby repealed.

Section 17: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

Summary Published: \_\_\_\_\_



9. AN ORDINANCE AMENDING THE ZONING CODE.

\_\_\_\_\_  
\_\_\_\_\_  
STAFF REPORT \_\_\_\_\_

\_\_\_\_\_  
QUESTIONS FROM COUNCIL ON STAFF REPORT \_\_\_\_\_

\_\_\_\_\_  
READING OF ORDINANCE NO. 10-9 \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO ZONING, AMENDING SECTION 17.175.030 OF THE PULLMAN CITY CODE AND PULLMAN CITY ORDINANCES NOS. 87-9 §1 (1987); 03-33 §61 (2003) AND 06-15 §7 (2006) AND OTHER MATTERS PROPERLY RELATED THERETO.

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DISCUSSION \_\_\_\_\_

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ACTION TAKEN \_\_\_\_\_

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 5/11/10

### **ACTION REQUESTED:**

Review and take action on proposed zoning code text amendments initiated by the planning department.

### **BACKGROUND:**

Last year, Pullman's insurance provider, the Washington Cities Insurance Authority (WCIA), conducted an audit of the city's land use regulations. Following this audit, WCIA recommended that the city amend the application requirements section of its zoning code by eliminating the provision to mandate "further information" for an application at the discretion of the city. WCIA stated that the open-ended nature of this language could potentially be used to extend an application process indefinitely, thereby increasing risk for the city. The proposed zoning code text amendments resolve WCIA's concerns. On April 28, 2010, the Planning Commission conducted a public hearing on this matter and recommended approval of the proposed code revisions. For additional background information, please refer to the attached memorandum.

### **RECOMMENDATION:**

Adopt the attached ordinance.

**FISCAL IMPACT:** \$ \_\_\_\_\_

\_\_\_\_\_ **BARS** Code Number

### **SUBMITTED BY:**

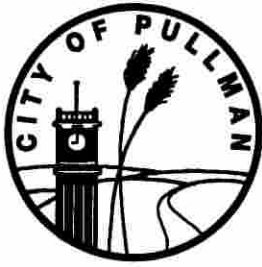
Name Pete Dickinson *PD*  
Title Planning Director  
Dept. Planning

### **ATTACHMENTS FOR COUNCIL REVIEW/ACTION:**

1. Memorandum dated 5/4/10
2. Ordinance No. 10-9

### **REVIEWED BY:**

	Initial	Date
Department Head	<i>PD</i>	<u>5/6/10</u>
City Supervisor	<i>gost</i>	<u>5/6/10</u>
City Attorney (As to Form)	<i>unaj</i>	<u>5-6-10</u>



# CITY OF PULLMAN

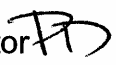
## Public Works and Planning Departments

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

### MEMORANDUM

TO: Mayor Johnson and Pullman City Council

FROM: Pete Dickinson, Planning Director 

FOR: Meeting of May 11, 2010

SUBJECT: Proposed Zoning Code Text Amendments  
Required Material for Zoning Code Applications

DATE: May 4, 2010

### BACKGROUND

In 2009, Pullman's insurance carrier, the Washington Cities Insurance Authority (WCIA), performed an audit of the city's land use procedures. Fortunately, the audit resulted in very few mandates, and the city was complimented on its solid risk management record. However, one of the deficiencies cited by WCIA was a clause in the subsection of the zoning code related to application requirements. This subsection [Pullman City Code Subsection 17.175.030(3)] sets forth a list of materials that are required to be submitted for each zoning code application (e.g., a request for a zone change or a conditional use permit). In addition to demanding specific items, such as the applicant's contact information and an application fee, the aforementioned subsection also states that the applicant may be required to provide "further information" for an application at the discretion of city staff, the Board of Adjustment, the Planning Commission, or the City Council. WCIA objected to the open-ended nature of this provision, indicating that it could potentially be used to extend an application process indefinitely. In its audit comments, WCIA stated that, "since an applicant vests at the time of a complete application, it is important that the City's codes and policies clearly identify and define when an application is complete." WCIA noted that failure to comply with its mandates could result in a financial penalty to the city.

The provision in question was included in the zoning code in 1987 to provide city officials with flexibility regarding application requirements since different projects can vary substantially in scope and intensity. Planning staff fully appreciates the concerns of WCIA and recommends that the subject regulation be deleted. For more significant

projects, the city will retain the opportunity to require additional information (e.g., a traffic study) through the State Environmental Policy Act process when this additional information is deemed necessary to evaluate the potential environmental impacts of a proposed development.

Using the latitude afforded by the clause that is now proposed to be deleted, the planning department has commonly required applicants to provide a plot plan and findings of fact for pertinent applications. With the recommended elimination of said clause, planning staff is suggesting that these demands for a plot plan and findings of fact be specifically added to the application requirements subsection. The detailed code amendments are set forth in the draft ordinance accompanying this report.

#### PLANNING COMMISSION REVIEW

The Planning Commission reviewed this proposal at a public hearing held on April 28, 2010. At this hearing, staff explained the nature of the proposed amendments and answered questions from the Commission. No public input was offered. The Commission then discussed the draft provisions and, at the conclusion of the hearing, voted unanimously to approve Resolution No. PC-2010-2 (attached), thereby recommending adoption of the proposed revisions.

#### ZONING CODE TEXT AMENDMENT QUESTIONS

Zoning Code Section 17.120.020 states that the following questions shall be considered by the Planning Commission and City Council in reviewing proposed text amendments:

- (1) Is the amendment consistent with the Comprehensive Plan?
- (2) Is the amendment reasonable and does it substantially promote the public health, safety, or welfare?
- (3) Is the amendment in the best interests of the residents of Pullman; and if so, how?
- (4) Has sufficient change in economic, technological, or land use conditions occurred to warrant modification of this text?
- (5) Is the amendment necessary to correct an error in this Title, or clarify the meaning or intent of this Title?

Memorandum to Mayor and Council  
May 4, 2010  
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ACTION REQUESTED

The action requested of the City Council is to consider and act upon the proposed amendments to the zoning code. As mentioned previously, these amendments are included in the draft ordinance that accompanies this memorandum.

Attachment

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

In the Matter of a Proposed Zoning  
Code Text Amendment Involving  
Zoning Code Application  
Requirements

) Resolution No. PC-2010-2  
)  
) A Resolution Representing the  
) Official Determination of the  
) City of Pullman Planning Commission

WHEREAS, the Pullman Planning Commission initiated a case to revise zoning code regulations pertaining to zoning code application requirements; and,

WHEREAS, a notice of the Planning Commission public hearing on this matter was published in the Moscow-Pullman Daily News on April 17, 2010; and,

WHEREAS, a public hearing was held before the Planning Commission on April 28, 2010 in the Council Chambers at City Hall, SE 325 Paradise Street, Pullman, Washington, at which time public comment from persons interested in the proposed text amendment to Zoning Code Chapter 17.175 was solicited; and

WHEREAS, this Commission has considered questions (1) through (5) contained in Pullman Zoning Code Section 17.120.020 regarding the proposed Zoning Code text amendment;

NOW, THEREFORE, the Planning Commission for the City of Pullman hereby makes and enters its formal

***Recommendation***

Chapter 17.175 (Application and Staff Review) should be amended in accordance with the attached legislative draft (Exhibit "A").

DATED this 28<sup>TH</sup> day of April, 2010.

  
\_\_\_\_\_  
Chair  
Pullman Planning Commission

ATTEST:

Pete Dickinson  
\_\_\_\_\_  
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 this 29<sup>th</sup> day of April, 2010.

RECEIVED by the Mayor this 29<sup>th</sup> day of April, 2010,  
and certified by the Finance Director as to the date of receipt thereof.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Finance Director

DRAFT ZONING CODE TEXT AMENDMENTS  
PULLMAN CITY CODE SECTION 17.175.030

17.175.030 Application.

- (1) Filing. All applications except those filed under the provisions of Chapter 17.100 shall be filed with the planning department unless a state statute or rule requires otherwise. The planning department shall provide the appropriate application form. Application fees as set by City Council resolution shall be paid to the city at the time of filing the application.
- (2) Date of Filing. The city planner shall review all applications and accept for filing only those which include all the information required for the specific application being submitted. The date of filing shall be the date the application is accepted as complete for processing. When an Environmental Impact Statement is required or a Proposed Negative Declaration is made pursuant to Chapter 16.39 Environmental (SEPA) Procedure, the date of filing shall be the day on which the Final Environmental Impact Statement is filed by the applicant or the Final Negative Declaration is filed by the director.
- (3) Required Material.
  - (a) The applicant shall provide the following information for all applications:
    - (i) the applicant's name and address; and,
    - (ii) the owner's name, address, proof of ownership, and written consent if the applicant is not the owner.
  - (b) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, variances, and townhouse developments shall provide the location by address and legal description of the site.
  - (c) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide a list of the names and mailing



addresses, as shown on the records of the County Assessor, of the owners of property and the street addresses of the property within three hundred (300) feet of the boundaries of the project site.

(d) Applicants for conditional use permits, special use permits for historic structures, and variances shall provide a plot plan that shows the proposed layout of site development.

(e) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide written findings of fact related to the application.

(f) ~~(d)~~ An application fee established pursuant to 17.10.060.

~~(e) The applicant may also be required to provide further information required by this Title, the staff, Site Plan Review Committee, board of adjustment, planning commission, or City Council in order to properly review an individual application.~~

(4) Initiation. The city or a representative thereof, or an owner or authorized agent thereof may file an application relative to a particular property. Applications for text amendments shall be initiated only by application of the city planner, or motion of the planning commission, or motion of the City Council.

ORDINANCE NO. 10-9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO ZONING, AMENDING SECTION 17.175.030 OF THE PULLMAN CITY CODE AND PULLMAN CITY ORDINANCES NOS. 87-9 §1 (1987), 03-33 §61 (2003) AND 06-15 §7 (2006) AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Pullman's insurance provider, the Washington Cities Insurance Authority, has recommended certain amendments to the provisions of the Pullman Zoning Code related to application requirements; and,

WHEREAS, draft revisions to the Zoning Code were prepared to address the above-referenced recommendation; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on April 28, 2010 to solicit public comment regarding the draft Zoning Code amendments and to consider the contents of said amendments; and,

WHEREAS, the Planning Commission, at the conclusion of its public hearing, adopted Resolution No. PC-2010-2, thereby recommending approval of the draft Zoning Code amendments to the City Council; and,

WHEREAS, the City Council conducted a public meeting on May 11, 2010 to entertain public input regarding the draft Zoning Code amendments and to reflect upon the contents of said amendments; and,

WHEREAS, the City Council has reviewed the draft Zoning Code amendments and found that adoption of said amendments would be in the public interest; now, therefore,

The City Council of the city of Pullman do ordain as follows:

Section 1: Pullman City Code 17.175.030 and Pullman Ordinance Nos. 87-9 §1 (1987), 03-33 §61 (2003) and 06-15 §7 (2006) are each hereby amended to read as follows:

17.175.030 Application.

- (1) Filing. All applications except those filed under the provisions of Chapter 17.100 shall be filed with the planning department unless a state statute or rule requires otherwise. The planning department shall provide the appropriate application form. Application fees as set by City Council resolution shall be paid to the city at the time of filing the application.
- (2) Date of Filing. The city planner shall review all applications and accept for filing only those which include all the information required for the specific

application being submitted. The date of filing shall be the date the application is accepted as complete for processing. When an Environmental Impact Statement is required or a Proposed Negative Declaration is made pursuant to Chapter 16.39 Environmental (SEPA) Procedure, the date of filing shall be the day on which the Final Environmental Impact Statement is filed by the applicant or the Final Negative Declaration is filed by the director.

(3) Required Material.

- (a) The applicant shall provide the following information for all applications:
  - (i) the applicant's name and address; and,
  - (ii) the owner's name, address, proof of ownership, and written consent if the applicant is not the owner.
- (b) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, variances, and townhouse developments shall provide the location by address and legal description of the site.
- (c) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide a list of the names and mailing addresses, as shown on the records of the County Assessor, of the owners of property and the street addresses of the property within three hundred (300) feet of the boundaries of the project site.
- (d) Applicants for conditional use permits, special use permits for historic structures, and variances shall provide a plot plan that shows the proposed layout of site development.
- (e) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide written findings of fact related to the application.
- ~~(f)~~-(d) An application fee established pursuant to 17.10.060.

~~(c) The applicant may also be required to provide further information required by this Title, the staff, Site Plan Review Committee, board of adjustment, planning commission, or City Council in order to properly review an individual application.~~

- (4) Initiation. The city or a representative thereof, or an owner or authorized agent thereof may file an application relative to a particular property. Applications for text amendments shall be initiated only by application of the city planner, or motion of the planning commission, or motion of the City Council.

Section 2: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

Summary Published: \_\_\_\_\_