

June 30, 2006



Planning Department Newsletter

WAL-MART CASE REMANDED TO HEARING EXAMINER

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As reported in previous Planning Department newsletters, the Pullman Alliance for Responsible Development (PARD) recently filed with the Whitman County Superior Court an appeal of Pullman hearing examiner John Montgomery's decision regarding the proposed Wal-Mart store at Bishop Boulevard. On June 22, a hearing on this appeal was held before Judge David Frazier in the County Courthouse in Colfax.

At the beginning of the hearing, Judge Frazer asked the parties involved (PARD, Wal-Mart, and the city) to address the issue of the legal sufficiency of the written findings and conclusions issued by the hearing examiner since the determination of that aspect of PARD's appeal would affect how the remainder of the hearing would proceed. PARD had asserted insufficiency of the written order as one of its bases for appeal. PARD contended the hearing examiner's general statement that any issue not directly addressed by him in writing was dismissed was legally insufficient under the State Environmental Policy Act. The issue had already been

briefed in writing to the court and the parties presented short oral arguments at the hearing.

After hearing these arguments, Judge Frazier ruled that the hearing examiner's written decision was insufficient as a matter of law because some of the issues raised during last February's hearings (i.e., pedestrian circulation and traffic study scoping) were not specifically addressed in his decision. In addition, Judge Frazier said he found it difficult to reconcile some of the hearing examiner's conclusions with the written findings. In the interest of preserving an adequate record for appeal, Judge Frazier remanded the matter to the hearing examiner for clarification of the findings and conclusions and also directed the parties to provide Mr. Montgomery with proposed findings and conclusions for his use in preparing the clarified final order.

Judge Frazier complimented Mr. Montgomery on this handling of the entire hearing process and the extremely fair manner in which it was conducted.

The judge noted the extensive volume of material in the official record and the time constraints under which Mr. Montgomery had to operate in drafting his initial order, but indicated he needed additional findings and conclusions before the court appeal could proceed any further.

Although Judge Frazier indicated from the bench that he wanted the matter to return to him within 60 days, the court administrator was unable to accommodate that schedule. The new court hearing date was set for October 18, 2006 at 1:30 p.m. and Mr. Montgomery's final findings and conclusions will likely be due to the parties in mid to late September. No additional briefing will be permitted unless the clarified administrative order contains new material. The issues on appeal remain the same and will be fully addressed by the court during the October 18 hearing.

Your comments,
questions and
suggestions are always
welcome.

PAVING OF BISHOP BOULEVARD NEARS COMPLETION

If you've traveled near the southeast portion of Pullman lately, you have no doubt experienced the repaving project being conducted on Bishop Boulevard. The two sections of the road currently under construction are from Main Street to the south side of Professional Mall Boulevard, and from the east end of the Ridge Pointe development to Fairmount Drive. The work has included minor utility repairs, lowering utility covers, grinding the asphalt and mixing it with underlying crushed rock, shaping the asphalt/crushed rock mixture, repaving with two lifts of hot mix asphalt, readjusting the utility covers to grade, and lane striping.

Reader boards have been used effectively at several locations in town to inform motorists of possible disruptions as a consequence of this project. While Bishop Boulevard has remained open most of the time during the project, the roadway has been closed to traffic this week during the night paving operations.

The work on the street is proceeding on schedule. Utility repairs were performed the week of June 12, grinding was accomplished the week of June 19,

and paving is being done this week. Unexpected rainfall on June 29 forced a short delay in the paving operations, but public works staff hopes to finish the entire job before the end of this coming weekend.



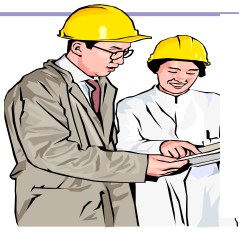
The repaving of Bishop Boulevard is nearly complete

STATE APPROVES COLLEGE HILL HISTORIC DISTRICT

On June 16, the Governor's Advisory Council on Historic Preservation (ACHP) met at Colfax City Hall to formally review the application for placing the proposed College Hill historic district (roughly bordered by Stadium Way, B Street, Howard Street [extended], and Indiana Street) on the Washington Heritage Register. Current and past Pullman residents who spoke in favor of the nomination included Allison Munch-Rotolo, KNona Liddell, Alex Hammond, Don Heil, Karen Kiessling, Marty Mullen, John Miller, and Ann Marra. At the session, it was noted that 81 of the estimated 100 residential properties in the district were considered to be "contributing" to the historic character of the area. Michael Houser of the Washington State Department of Archaeology and Historic Preservation stated that his office had received one letter in opposition to the proposal.

After accepting these remarks, the ACHP unanimously approved the request for listing the historic district on the Washington Heritage Register. Following the meeting, Mr. Houser indicated he would soon be sending the district nomination to the National Park Service for inclusion in the National Register of Historic Places. If all goes well at that level, the historic district could be placed on the National Register by August.

Questions or comments about the proposed historic district should be directed to Mr. Houser. He can be contacted by postal mail at PO Box 48343, Olympia WA 98504-8383; by telephone at (360) 586-3076; and by email at michael.houser@dahp.wa.gov.



Pending Land Use Applications

Displayed below are land use applications submitted to the planning or public works department or city-generated proposals for planning provisions that require a public meeting, public notice, or site plan review in accordance with the city code.

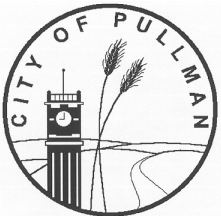
PROJECT	DESCRIPTION	LOCATION	STATUS
Big Sky Subdivision Preliminary Plat	divide 7.3 acres into 30 lots in R2 district	west of Sunnyside Park and north of Old Wawawai Road	PC recommended conditional approval; CC meeting scheduled for 7/25
Gray Lane Zone Change (Z-06-2)	rezone 16,300 square feet from WSU to R4	680 NE Gray Lane	PC recommended approval; CC meeting scheduled for 7/11
Wal-Mart Supercenter SEPA determination and site plan	develop 223,000-sq-ft store on a 28-acre site	south of SE Harvest Dr/Bishop Boulevard intersection	case remanded to hearing examiner; hearing scheduled for Superior Court in Colfax on 10/18
Valley Road Apartments site plan (05-18)	develop 7 apartments on a 10,832-sq-ft lot	1245 NE Valley Road	staff requested applicant to revise site plan
North Campus Heights Apartments Expansion site plan (05-19)	develop 42 additional apartments	1540 NE Merman Drive	staff requested applicant to revise site plan
River Trail Apartments site plan (05-25)	resubmittal of plans for 30 apartments above commercial space on a 30,197-sq-ft lot	1240 SE Latah Street	staff reviewing application
Crimson Retail Plaza #3 site plan (06-4)	establish a 9,200-sq-ft retail development on a 2-acre site	2005 SE Bishop Boulevard	staff requested applicant to revise site plan
Emmanuel Baptist Church Addition site plan (06-5)	construct 2,850-sq-ft addition to existing church building	1300 SE Sunnymead Way	staff requested applicant to revise site plan
SEL Manufacturing Building Addition site plan (06-6)	construct a 100,000-sq-ft addition to existing manufacturing building	2440 NE Hopkins Court	staff requested applicant to revise site plan
North Grand Avenue Building Parking Lot site plan (06-7)	pave 7,500-sq-ft parking area at back of former Penguin Plumbing building	745 N. Grand Avenue	staff reviewing application
Kenwood Square Apartments Utility Building site plan (06-8)	construct a 432-sq-ft utility building and pave 3,250-sq-ft parking area	1225 NE Nye Street	staff reviewing application

KEY TO ZONING DISTRICTS: R1 Single Family Residential; RT Residential Transitional; R2 Low Density Multi-Family Residential; R3 Medium Density Multi-Family Residential; R4 High Density Multi-Family Residential; C1 Neighborhood Commercial; C2 Central Business District; C3 General Commercial; I1 Light Industrial; I2 Heavy Industrial; IRP Industrial Research Park; WSU Washington State University

KEY TO ABBREVIATIONS: CC: City Council; PC: Planning Commission; BOA: Board of Adjustment; DOE: State Department of Ecology; LC: Landmarks Commission

NOTES: 1) If an applicant fails to act on a pending application for a period of six months, said application will be dropped from the above list. 2) Numbers in parentheses are planning staff's internal file numbers. 3) Site plan review by city staff is generally conducted for proposed construction of developments other than single family homes, duplexes, or manufactured homes; it does not apply to most construction on the WSU campus.





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