

Instructions for Completing the Application for Zone Change

Purpose

This application is used to request that the Planning Commission reclassify existing zoning to allow new or different land uses conforming to the Whitman County Comprehensive Plan.

The Planning Commission will hold a public hearing to make sure the change would not be unduly detrimental to surrounding properties, contrary to the public interest, or in conflict with the Comprehensive Plan. The Commission will also decide whether the proposed change is in the best interest of Whitman County and its residents.

The Commission shall not grant a change to cure existing zoning violations. The Commission shall not grant a change allowing property to be used for purposes not authorized by the Zoning Ordinance for the property's zoning district.

Application

An application is considered complete when all the information that is necessary to process it has been provided along with the fee. Planning staff will review the application(s) and will notify the applicant if further information is needed. For a zone change, a SEPA checklist must accompany the application. No application is considered vested unless it is determined to be complete. Fees must be paid before the staff review can begin. Make checks payable to Whitman County Planning.

Completing the application form

1. Enter applicant's name, address and telephone number, together with applicant's status. If the applicant is not, according to the County Auditor's Office, the recorded property owner, the property owner must complete the owner's affidavit on the back of the application (section 5). For the purposes of this application, "owner" shall mean:

- a. Recorded owner as shown by the County Auditor's office.
- b. In the case of mortgaged property, the mortgagor (person buying the property).
- c. In the case of property purchased on contract, the signature of the contract holder (person selling the property).
- d. In the case of a corporation owning the land, any officer of the corporation who is duly authorized to execute deeds or encumbrances on behalf of the corporation. In such cases, a certified excerpt from the bylaws of the corporation showing such authority shall be attached to the application.
- e. In the case of property standing in the name of a deceased person or any person for

whom a guardian has been appointed, the signature of the executor, administrator or guardian shall suffice.

2. Enter the address or location of the subject property, together with the current zone and the proposed zone, a legal description and a site plan.
3. Briefly explain why the zone change is needed, state any physical changes to the property that will be needed for the intended use, and any special information the Planning Commission should know.
4. Answer the five Findings of Fact questions to provide a basis for the Planning Commission's Findings of Fact. Give facts to justify the proposed action, using additional sheets of paper if necessary. In explaining why the change is necessary, note special circumstances, such as size, shape, topography, location or the surroundings of the subject property, or whether the change would provide use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

Supplementary documents

In addition to the application form, the applicant must submit four other documents in support of his application for a change:

List of Property Owners: Submit a list of names of owners of property abutting the lot or parcel of land involved, but not including public rights-of-way (generally alleys and streets). The County Planner may add to this list the names of owners of any other lots he deems to be affected by the proposed change. The County Assessor's Office in Colfax can supply the names of neighboring property owners.

Legal Description: Provide a complete legal description that adequately describes the property in question. Grant deeds or statements of title insurance often provide a sufficient legal description. If public rights-of-way are involved, the legal description may need to be expanded to include the rights-of-way. A survey may be required but can usually be done after the Zone Change has been approved.

Plan: Submit a site plan showing clearly the location and size of all buildings, parking areas, and landscaping on the property. All plans must be accurately drawn and complete with dimensions. If there are no structures, proposed development should be shown.

Proof of Ownership: Submit a photocopy of the deed, real estate contract or other document on file with the County Auditor's office that indicates that the applicant (or person signing the owner's affidavit) is the owner of the property.

Review Procedure

The County Planning staff will review the application to make sure it is complete. By review of the environmental checklist, staff will determine whether the proposed action is “*non-significant*” or “*significant*” under the guidelines of the State Environmental Policy Act (SEPA). Staff may opt to convene a threshold meeting with the applicant and interested parties to help determine the significance of the proposed action. If the proposed action is significant, the applicant must prepare, at his own expense, an Environmental Impact Statement.

When the staff has determined the application is complete, a public hearing before the Planning Commission will be scheduled. The office will mail notices of the public hearing to the applicant and to all property owners within 1,000 feet for a cluster rezone and 300 feet for all other rezones of the applicant's property. The staff will prepare a report on the proposed zone change for the Commission and mail a copy of this report to the applicant before the hearing.

At the hearing, the staff will present the written report. After this, the applicant can present his justification for the requested change. Decisions concerning zone changes must be made during a public hearing, so the applicant should avoid discussing the proposed zone change with individual members of the Planning Commission and the Board of County Commissioners. Such discussion would be in conflict with the “*Appearance of Fairness*” doctrine and could invalidate the zone change if it were later challenged. Therefore, it is best for the applicant to present his request clearly and completely to the Commission during the public hearing.

The hearings can take time, so the applicant's presentation should be brief, concise and to the point. The applicant should concentrate on the reason for needing the zone change and should present information based mainly around the Findings of Fact (section 4 of the application form). It is up to the applicant to prove that the zone change request meets the requirements of the Comprehensive Plan and Zoning Ordinance.

After the applicant's presentation, the public is allowed to make comments for or against the proposed change or to ask pertinent questions. The applicant is generally allowed to answer questions or to make rebuttals at the discretion of the Commission Chair.

After the presentations, the hearing is closed and the Commission discusses the issue and makes Findings of Fact. Findings of Fact are the official determination of the Commission and specify why the zone change is granted. The ultimate tests of the Findings of Fact are reasonableness and community benefit. For the change to be granted, the Findings

of Fact must verify that all of the following conditions exist:

- a. There is a need for the proposed zoning within the affected area of the County.
- b. The proposed use would be compatible with the surrounding uses on adjacent property, including future land uses consistent with the Comprehensive Plan, traffic circulation, and air, water or noise pollution to be generated.
- c. The topography, access, utilities, and other services of the site are appropriate for the intended zone and use.
- d. The proposed zone and intended use would have an acceptable impact on the environment.
- e. The proposed zone is consistent with the Comprehensive Plan.

In addition, the Findings of Fact must verify that all of the following conditions exist:

- a. The necessity of the proposed zoning within the community.
- b. The character of the area surrounding the site, including present and future land uses and zoning traffic circulation.
- c. The nature of the site, including topography, access, utilities and other services.
- d. The nature of the specific use proposed for the site.
- e. The probable position and/or negative impacts of the proposed usage on surrounding properties, including consideration of noise and aesthetics.
- f. The level of environmental impact under SEPA.
- g. The consistency of the zoning change with the Comprehensive Plan.

After the hearing, the Planning Commission will recommend approval or denial to the Whitman County Board of County Commissioners. A Planning Commission decision to deny the zone change may be appealed to the Board of County Commissioners by the applicant.

Formal Notice of Action

The County Planner will mail the applicant a written notice of the Board's decision.

Need Help?

The County Planner can provide further information about the application process. If you have questions, call 509-397-5209.

Application received

Application for Zone Change

Application complete

Case Number: _____

1. Applicant

Name: _____ Telephone: _____

Mailing Address: _____

City, State, ZIP: _____

Status (lessee of property, agent, owner, prospective buyer, etc.): _____

(If applicant does not own the property, property owner must complete the affidavit on the reverse of this form.)
Attach proof of ownership and a list of all property owners within 1000 feet of the boundaries of the property if rezoning to Cluster Residential District or within 300 feet of the boundaries of the property if to any other zone.

2. Property

Address or location: _____

Current Zone: _____ Proposed Zone: _____

Attach a legal description of the property and a site plan.

3. Explanation

Explain why the zone change is needed:

State any physical changes in the property to allow the intended use:

Special information (deed restrictions, etc.) the Planning Commission should know:

4. Findings of Fact

Show why there is a need for the proposed zoning within the affected area of the County:

Show how the proposed use would be compatible with the surrounding uses on adjacent property, including future land use consistent with the Comprehensive Plan; traffic circulation; and air, water, or noise pollution to be generated.

Show how topography, access, utilities, and other services of the site are appropriate for the intended zone and use.

Explain what impact the proposed zone and intended use will have on the environment.

Show how the proposed zone is consistent with the Comprehensive Plan.

Applicant's Signature

Date

Owner's Affidavit

(To be completed if the applicant is not the owner of the property involved)

STATE OF _____

SS.

County of _____

I, _____, being duly sworn,
(print or type full name)

depost and say that I am the owner of property or his/her authorized agent, involved in this Application, and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief; and I grant my permission to the above-named applicant to apply for a Zone Change for the above-described property; and for County staff to examine this subject property in the cause of their work related to this application.

Property Owner

Address

City, State, ZIP Code

Telephone

SUBSCRIBED and sworn to before me this _____ day of _____, 20_____.

Notary Public in and for the State of _____, residing at _____

My commission expires _____