

ATTACHMENT A
DISCUSSION POINTS RELATIVE TO PUBLIC/INSTITUTIONAL ZONES

The following topic headings provide comments that can be used as discussion points or to answer questions that come up during the discussion.

Public Notice Function for :

The P/I Zone is a means by which existing or potential public uses are designated on the Comprehensive Plan and Zoning Map. This provides the Community with notice and a degree of certainty about the use of lands owned or managed by public agencies.

If the City of Sultan had purchased a parcel for future use as a Community Center, the Comprehensive Plan Map and Zoning Map would typically be amended during the normal docked process to show P/I designation. This gives the Community notice that a use, other than the normal residential use, is contemplated for the site. People buying property could base their decision to purchase or not based on their perception of the influence of a community center on the adjacent property. Without that notice on the maps, there would be no readily available means to become aware of that proposed future public land use.

P/I uses may be different, or may be the same as a neighboring zone:

The P/I Zone does not give permissions to public agencies to do things that they would not otherwise be able to do. P/I zoning also does not grant to public agencies permission to undertake development that is outside of their statutory authorities.

School Districts, Municipalities, Port Districts, Public Utilities, and other public entities engage in activities that are constrained by their statutory authorities and regulatory mandates. Port Districts, for example, are authorized by statute to engage in economic development activities, some of which may look and behave just like similar activities conducted by the private sector. Such uses could include construction and lease of an office building or industrial plant because state statutes authorize this activity by a port district. This activity would not be conducted by a fire district, because that is outside of a fire district statutory mission.

In cases where the uses are similar or the same as the private sector, the P/I Zone provides notice to the public that the particular land or facility is owned/managed by a public entity. That entity may have more or fewer options on how it uses that land than the adjacent privately owned property. That range of options is based on the agency's authorities and mission, not on its inclusion in a P/I Zone.

Development standards appropriate to the use:

A P/I Zone does not relieve public agencies from proper standards when developing the uses that they are charged with undertaking on behalf of the Community.

In most cases the Development Standards for development by public entities are also provided by statute or administrative regulation. School Districts must, by state law, provide certain minimum play areas, parking areas, landscaping, etc. The Public Utility District is required by the Utilities Commission Regulations, to provide minimum setbacks and clear zones around power sub-stations. A P/I Zone that required less than the standards imposed by the higher-level authority would be meaningless. Where the Community has a P/I Zone that laid out defensible standards parking, setbacks, etc. that exceeded those imposed by the higher authority, those increased standard would typically be enforced.

In cases where the use is the same or similar to uses carried on by private enterprise, the P/I Zone would specify approval criteria and development standards that meet or exceed those required of private development. In the majority of public development projects, there is more infrastructure and higher development standards than in similar uses in the private sector. To the extent that this is not the case, it can often be attributed to the lack of a P/I Zone that makes clear what the public development standards are.

Different uses, unique standards:

P/I Zones are used to enact specific Development Standards that have no meaningful inclusion in zones applied to private property. Among these are implementations of Park Standards called for in the Comprehensive Plan. Level of service for park facilities is effectively inventoried and implemented by the mapping and text of P/I zoning.

A public office building may be paid for by a funding source that requires multiple uses or adaptability to more than one use during its life time. The standards of that funding source may not be negotiable, and the development standards or permitted uses in the normal “downtown commercial” zoning may not accommodate those unique requirements.

Spot Zoning:

Spot Zoning is a rather generic term referring to the location of small (often single-parcel) zoning designations on the zoning map. Typically spot zoning is prohibited and a rezone decision demonstrated to be a “spot zone” is overruled in court. This is done so that a single property owner cannot locate a commercial or industrial zone “island” in a “sea” of residential, or vice-versa.

In the case of Public and Institutional Zoning, the “spot zone” is the rule instead of the exception. This is because Parks, Power Substations, Fire Stations, etc. are generally constrained to be in a certain area or even on a specific property. P/I zoning provides the flexibility to address these needs while providing the public notice and involvement that attaches to a zone change process.

If the code does not contain a P/I zone that accommodates the list of public uses and the appropriate Development Standards, then each zone needs to provide for each public use that could potentially need to be located anywhere in the Community. The Community has less or no involvement with this approach.

Burden of Proof:

When an agency is required to apply for a zone change to put P/I zoning on a property, the burden of proof is on the Agency (Applicant) to document the necessity for the zone change that allows the public use.

If the same public use is listed in the Residential Zone as a Conditional Use, the burden of proof is on the neighbors to document why the application should not be approved.

Agencies will usually have a solid case for proposing the zone change, but not in all cases. An agency or district may purchase a property on the fringe of the Community because of price, not because it is the best location for the use from a land use perspective, or in the best long-term interest of the Community and its transportation and utility systems.