

# 2021 Comprehensive Plan and Code Amendment Docket

AB 5785 | December 1, 2020



# Summary

- City Code requires that the City accept Comprehensive Plan and development code amendment proposals each year during the month of September
- The docket is the annual opportunity for the public to propose Comprehensive Plan and development code amendments
- The Planning Commission conducted a preliminary review of the proposed items and made a recommendation to the City Council
- Tonight the Council will select the items that are placed on the final docket and added to the CPD work plan for 2021



# Docketing Procedure

- MICC 19.15.230(D)
- Public notice provided by September 1
- Amendment request deadline October 1
  - This year Council moved back to November 2, due to error in the notice
- Planning Commission review and recommendation (November 12)
- City Council review – establish final docket by December 31
- Final docket determines the work plan and resource needs for comprehensive plan and code amendments



# Docketing Criteria

MICC 19.15.230(E)(1)(b) All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
- ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
- iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
- iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
- v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.



# A Note on CPD Staffing

- In June there was a significant reduction in staffing across CPD
- The Planning team was reduced from 5 FTE to 2 FTE, with 1 FTE later restored as a temporary position
- 2021 budget includes 3 planning positions, plus a Senior Policy Analyst position starting mid-year
- With this reduced staffing level, CPD will need to significantly scale back its policy/legislative workload compared to pre-pandemic levels
- Even simple amendments take significant staff time to process



# Proposed Amendment 1

**Proposed By:** City staff

**Comprehensive Plan or Code Section:** Comprehensive Plan/Land Use Element/Land Use Plan Map

**Proposal Summary:**

- Corrects error in the City's Land Use Plan Map
- Reinstates neighborhood Business designation for the south end shopping center

**Context and Staff Comments:**

- Necessary correction that will require a limited amount of staff, Planning Commission and City Council resources.



# Proposed Amendment 2

**Proposed By:** City staff

**Comprehensive Plan or Code Section:**

- Comprehensive Plan/Land Use Element, Section V. Land Use Policies, Town Center
- Town Center Development and Design Standards (MICC 19.11)

**Proposal Summary:** Placeholder for any code or comprehensive plan amendments that may be proposed related to the Town Center development moratorium

**Context and Staff Comments:**

- This analysis and potential amendments are required to resolve the existing interim ordinance
- Will require substantial staff and consultant resources. A budget proposal is under consideration to support the consultant work
- Any Comprehensive Plan or code amendments that are undertaken will also require Planning Commission and City Council resources



# Proposed Amendment 3

**Proposed By:** City staff

**Comprehensive Plan or Code Section:**

- Comprehensive Plan/Land Use, Transportation and Capital Facilities Elements
- Transportation, Park and Fire Impact Fees (MICC 19.17, MICC 19.18, New chapter Title 19)

**Proposal Summary:** The city intends to prepare new rate studies and update the Transportation and Park Impact Fees, and establish a Fire Impact Fee. This is a placeholder for the related code amendments.

**Context and Staff Comments:**

- This analysis and code amendments will require substantial staff and consultant resources. A budget proposal is under consideration to support the consultant work.
- The code amendments will also require Planning Commission and City Council resources.





# Proposed Amendment 4

**Proposed By:** City staff

**Comprehensive Plan or Code Section:** Sign Regulations (MICC 19.06.020, MICC 19.11.140, and MICC 19.12.080)

**Proposal Summary:** Due to changes in case law, the City is now required to update the Sign Code. The Supreme court ruling in *Reed v. Town of Gilbert* restricted the ability to regulate signs related to First Amendment concerns - the city must amend the sign regulations to remove references to the content of the sign.

**Context and Staff Comments:**

- This is an important code amendment that is needed to align city regulations with recent changes in case law.
- Consideration of this code amendment was initiated with the Planning Commission in early 2020 but was postponed due to the COVID-19 pandemic.
- Re-starting the review process in 2021 will require moderate staff, Planning Commission and City Council resources.



# Proposed Amendment 5

**Proposed By:** City staff

**Comprehensive Plan or Code Section:** Wireless and Small Cell Regulations (MICC 19.06.040)

**Proposal Summary:** Due to recently promulgated FCC regulations, staff are required to update the City Code related to wireless and small cell facilities. The proposed code amendment will align city regulations with FCC rules, add definitions of new terms and make additional clarifying updates to the code.

**Context and Staff Comments:**

- This amendment is required to resolve the existing interim ordinance
- Consideration of this code amendment by the Planning Commission was underway in early 2020 but was postponed due to the COVID-19 pandemic.
- Re-starting the review process in 2021 will require moderate staff, Planning Commission and City Council resources.



# Proposed Amendment 6

Proposed By: Matthew Goldbach

**Comprehensive Plan or Code Section:** Implementation of Comprehensive Plan Amendments (MICC 19.15.230(I))

**Proposal Summary:** The amendment would repeal 19.15.230(I) to ensure the code does not condone a future failure of the City to ensure that Comprehensive Plan policies are implemented by consistent development regulations.

**Context and Staff Comments:**

- *Note: this code section was adopted less than 3 years ago*
- If this amendment were to be placed on the final docket, staff, Planning Commission and City Council resources would be required to amend the code



# Proposed Amendment 7

**Proposed By:** Matthew Goldbach

**Comprehensive Plan or Code Section:** Condition Use Permit Regulations (MICC 19.06.110(A)(5))

**Proposal Summary:** This amendment would add a new subsection to the code clarifying that conditional use permits (CUPs) are only applicable to the property for which it was granted (regardless of whether additional property is added to that property in the future).

**Context and Staff Comments:**

- Staff believes this suggestion is unnecessary, as the City's application and approval procedures already make it clear that a Conditional Use Permit is only applicable to the property for which it was originally granted
- If this amendment were to be placed on the final docket, staff, Planning Commission and City Council resources would be required to amend the code



# Proposed Amendment 8

**Proposed By:** Matthew Goldbach

**Comprehensive Plan or Code Section:** Comprehensive Plan/Land Use Element/Land Use Plan Map

**Proposal Summary:** Replace the incorrect City Land Use Map to correctly identify the south-end shopping center as "PBZ" or Neighborhood Business.

**Context and Staff Comments:**

- This suggestion is essentially the same as Proposed Amendment 1



# Proposed Amendment 9

**Proposed By:** Carolyn Boatsman

**Comprehensive Plan or Code Section:** Nuisance Control Code (MICC 8.24)

**Proposal Summary:** Make amendments to the nuisance code to : 1) limit commercial landscaping operations using power tools to the same hours as construction noise from work under city permit, and 2) require that residential use of spot lighting be directed toward the owner's property.

**Context and Staff Comments:**

- The city code does not currently regulate these issues
- Amendments of this type may be better considered as a part of a larger update to the nuisance and animal codes in the future
- If this amendment were to be placed on the final docket, staff, Planning Commission and City Council resources would be required to amend the code



# Proposed Amendment 10

**Proposed By:** Carolyn Boatsman

**Comprehensive Plan or Code Section:** Comprehensive Plan

**Proposal Summary:** Adopt goals and policies related to the prioritization of the use of the public right of way, based on the public good. Uses that should, at the least, be allowed and included in the priority are roads and appurtenances, utility installation, residential parking, and environmental benefit.

**Context and Staff Comments:**

- It is unclear how additional Comprehensive Plan goals or policies could improve the current process for prioritizing use of the ROW
- If this amendment were to be placed on the final docket, staff, Planning Commission and City Council resources would be required to amend the code



# Proposed Amendment 11

**Proposed By:** Daniel Thompson

**Comprehensive Plan or Code Section:** Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

**Proposal Summary:** This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).

**Context and Staff Comments:**

- This amendment should be considered either in place of, or after the review of the RDS and administrative code amendments planned for early 2022.





# Proposed Amendment 12

**Proposed By:** Daniel Thompson

**Comprehensive Plan or Code Section:** Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

**Proposal Summary:** This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.

**Context and Staff Comments:**

- This amendment should be considered either in place of, or after the review of the RDS and administrative code amendments planned for early 2022.



# Proposed Amendment 13

**Proposed By:** Daniel Thompson

**Comprehensive Plan or Code Section:** Residential Development Standards (MICC 19.02.040(D)(1) Garages and Carports)

**Proposal Summary:** This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, would eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).

**Context and Staff Comments:**

- This amendment should be considered either in place of, or after the review of the RDS and administrative code amendments planned for early 2022.



# Proposed Amendment 14

**Proposed By:** Daniel Thompson

**Comprehensive Plan or Code Section:** Residential Development Standards (MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs)

**Proposal Summary:** This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.

**Context and Staff Comments:**

- This amendment should be considered either in place of, or after the review of the RDS and administrative code amendments planned for early 2022.



# Proposed Amendment 15

**Proposed By:** Daniel Thompson

**Comprehensive Plan or Code Section:** Administrative Code (MICC 19.15.030 Land Use Review Type Classification)

**Proposal Summary:** This amendment would change the type classifications of several permit actions, with the effect of adding public notification or public notice requirements to these actions.

**Context and Staff Comments:**

- *Note: this code section was adopted in September 2018, less than 3 years ago*
- This is a significant change that should be considered with detailed analysis from staff as well as robust public input
- Staff do not recommend advancing this amendment in 2021



# Proposed Amendment 16

**Proposed By:** Daniel Thompson

**Comprehensive Plan or Code Section:** Residential Development Standards (MICC 19.02.020(G)(2)(a) and (b) Parking Requirements)

**Proposal Summary:** This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.

**Context and Staff Comments:**

- This amendment should be considered either in place of, or after the review of the RDS and administrative code amendments planned for early 2022.



# Decision Process

- Review items in groups (1+8, 2-5, 6, 7, 9-10, 11-14+16, 15)
- Consensus process for decision making
  - 2 rounds of Council consideration
  - Thumbs up to move group of items to the list of docketed amendments
  - Items not moved to the list in the first round will come back for further discussion and a second thumbs up vote
  - Motion and roll call vote required to finalize the list of docketed items and approve the resolution

## Criteria – must meet all

- i. Appropriately addressed through the comprehensive plan or the code
- ii. The city can provide the necessary resources, including staff and budget
- iii. Not better addressed by an ongoing work program item
- iv. Serves the public interest, implements the comp plan or new approach to support the city's vision
- v. Has not been considered by the city council in the last three years



# Recommended Action

Approve Resolution No. 1594 adopting the final docket of Comprehensive Plan and code amendments for 2021

