

MEMORANDUM

TO: Glen Van Nimwegen, Bill Almquist, and Kristi Jefferson, City of Salida

FROM: Matt Goebel and Paul Donegan, Clarion Associates

DATE: June 8, 2020

RE: Salida Land Use Code – Draft Installment 1

We are pleased to submit for your review the second draft of the first installment of the new Salida Land Use Code (Chapter 16). Overall, this Module includes the following:

- Chapter 16-1: General Provisions
- Chapter 16-8: Administration and Procedures
- Chapter 16-10: Rules of Construction and Definitions

The remainder of this memorandum covers the major changes as presented in this module. These changes are based on our own observations and meetings with staff and other stakeholders, with particular focus on the recommendations provided in the Code Assessment Report, including:

- **Provide Clarity and Predictability.** Stakeholders and City staff indicated a strong desire to make the Code easier to use and understand. Removing vague language is one method of making the Code clearer. In this installment we aim to remove jargon and vague language and ensure that all key terms are defined.
- **Standardize and Reorganize the Code.** Throughout the Code, we recommend basic organizational and stylistic improvements such as including clear headings and subheadings, categorizing long lists of standards, and grouping similar information. These improvements will make information in the Code easier to find. The Land Use Code should also be reorganized to consolidate standards from similar articles and sections that are currently freestanding. For example, procedures and requirements for annexation are kept in Article VIII and procedures for Code amendments and appeals are housed in subsections of Article II, but both would logically be included alongside other procedures in Article III.
- **Relocate Forms and Submittal Requirements to an Administrative Manual.** The current Land Use Code includes several application forms and lists of submittal requirements. Although this locates relevant documents with corresponding regulations, it also increases the length of the Code, makes it harder to find what is needed in the Code, and requires a Code amendment to make changes to otherwise administrative materials. We recommend removing forms, certificates, and lists of submittal requirements and relocating them to an administrative



manual, where staff has more flexibility to make updates. The manual would be referenced where needed in the Code, so applicants know where to find these materials. During the drafting process, Clarion will identify specific provisions recommended for relocation to the manual and will make note of the same in the draft footnotes and/or commentary.

- **Establish a Site Plan Review Procedure.** The current system for evaluating development proposals involves three levels of review (administrative, limited impact, and major) based on the types of uses, the intensity of such uses, and the location/district in which that use is proposed. These variations of review are also carried through the other application review procedures. For example, a conditional use permit follows the limited impact review procedure, and a rezoning application follows the major impact review procedure. These distinctions were developed with the intent of streamlining the procedures but have resulted in confusion and complications especially as it relates to uses. We heard from multiple stakeholders that there are far too many applications that require review by the Planning Commission, resulting in an unpredictable process. Moving forward, we recommend simplifying the procedures by, in part, establishing a dedicated site plan review procedure, which would be intended simply to review whether or not a project complies with the code requirements (like parking and landscaping). For those uses that require an additional, subjective evaluation of compatibility on a particular site, we recommend retaining a conditional use permit procedure.
- **Modernize Planned Development Standards.** Unlike many communities, Salida has used Planned Developments (PD) sparingly, which is encouraged moving forward. However, the City should maintain and enhance the PD process (Article VII of the Land Use Code) for clarity and consistent application. We recommend the following improvements through the Code update:
 - Keep Planned Developments as an overlay district.
 - Clarify the Planned Development process.
 - Raise the minimum standards for Planned Development.
 - Differentiate minor and major amendments to an existing Planned Development.
- **Allow Minor Modifications.** Part of making a Land Use Code more predictable is creating a stronger structure and greater consistency within the Code. Many of the recommendations in this Assessment focus on that effort. However, because the Code is applied to real-world properties and structures, it must integrate opportunities for flexibility and relief from standards that would otherwise inhibit a desirable development proposal. We recommend providing flexibility for City staff and decision-makers through a minor modification tool -- a discretionary approval for adjustment of quantifiable development standards (e.g., up to a 10-percent deviation from a standard). In this installment, we do not provide a recommended adjustment value, but do provide some common types of standards that could be eligible for a minor modification. Following discussions with City staff, we propose further conversations on this regulatory tool and review of updated development standards prior to solidifying any possible minor modification standards.
- **Establish Common Review Procedures.** The first step to creating user-friendly review procedures is to ensure all review processes are consolidated in the new code. Article III of the current Land Use Code is the primary location for these regulations, but related procedures are located in Article II (public notice, amendments, and appeals), Article IV (conditional use permit, variances, and rezoning), Article VII (Planned Development procedures), Article IX (annexation), and Article XII (historic preservation procedures). Finally, the consolidated procedures article should include a summary table of review procedures featuring Code references, noticing requirements, and applicable review and decision-making bodies – serving as a one-stop reference point. All procedures should be organized and structured consistently to make it easy

for Code users to understand the steps required for approval. We recommend establishing common review procedures for all application types for consistency and to avoid repetition.

- **Draft Clear Approval Criteria.** A key issue that City staff and stakeholders raised is the lack of clear evaluation and approval criteria for reviewing development proposals. Many procedures in the current Land Use Code lack adequate requirements for findings or approval criteria by which City staff and decision-makers must use to review applications. Some procedures have vague criteria that require considerable interpretation. We propose creating clear and complete approval criteria for every application type to serve as a guide to applicants, City staff, and decision-makers.

We have attached two versions of the draft – with changes tracked and with changes accepted. Both versions are provided in both Microsoft Word and PDF format. The tracked changes are based on all modifications made from the first draft to show the type of substantive and minor changes we have made. We recommend using the clean Microsoft Word version to provide edits and commentary and using the PDF version for printing or distributing to ensure that all readers will view the document consistently (same page numbers, etc.).

Article 16-1: General Provisions

This article includes material that sets the legal foundation for the entire document. Material is generally carried forward with no revision except where noted. It is drawn mostly from the existing Article I (General Provisions) and Article II (Enforcement), and Section 16-4-160 (Nonconformities), and 16-4-170 (Nonconforming Lots).

Article 16-8: Administration and Procedures

This article describes the procedures for reviewing and approving development applications in Salida. The article begins with a summary table that provides a snapshot of the review procedures and the applicable review and decision-making authorities. Following that table is the common review procedures and then specific procedures for the various application types in the City.

Common review procedures

Common review procedures apply to most development application types. Common review procedures will help Salida avoid repetition in the Code and eliminate conflicting information among development applications. The remaining sections in this article describe the application-specific procedures, referring to common review procedures as appropriate and noting any modifications or additions. Each specific procedure includes a flowchart depicting the steps required for review and approval.

Administrative/limited/major impact review not carried forward

The current development review procedures are organized into categories based on the “impact” of a particular application type – administrative review, limited impact review, and major impact review. This new article is a substantial departure from that system because each application type is considered standalone. For example, a rezoning is just a rezoning application – not a “major impact review.” A conditional use approval is processed as a conditional use approval, not a “limited impact review.” This clearer approach will also lead to a simplified table of allowed uses.

Decision-making authorities

The term “Director” is used throughout this article and is defined in this draft as the Director of Community Development (or designee). Staff is commonly the designee, but it is good to maintain references to the Director as opposed to detailing that City staff will be responsible. This is a change from the current code that places a lot of responsibility on the “Administrator.” It is uncommon to assign administration of a

land use code to the City Administrator, since most activities fall within the purview of the Community Development Department. Descriptions and authority of the City’s other key decision-making authorities are provided in the final section of this article.

Administrative manual

Throughout this Chapter we refer to an “administrative manual,” which is proposed to include the requirements for application submittal materials, application fees, any associated time periods for review, and other administrative or technical information that can live outside the Code. Having a separate manual allows those administrative materials to be updated more regularly without requiring a code amendment and reduces the overall bulk of the Code to focus more on land use regulations.

Chapter 18-10: Rules of Construction and Definitions

This is the first installment of the definitions article, which will be built incrementally with each installment of the new code. This first installment includes definitions related to the administration articles.

The definitions are proposed to be located, here, at the end of the document, which is typical to reduce the length of Article 16.01, General Provisions, and make the entire code more user-friendly. This section will become longer as definitions are added for all proposed use categories, use types, and as development standards are drafted. Footnotes will be used to highlight specific definitions that we or staff think merit a definition. As the list becomes finalized (i.e., no edits to the definition or concept are likely) we can begin illustrating and including in future drafts throughout the course of the project.

General Comments

Grammar and Minor Corrections

Throughout this module, we made several style, grammar, and formatting assumptions, such as consistent capitalization of headings and key terms, and spelling out numbers one through nine (numerals for 10 and higher). Any spelling errors, typos, or grammatical errors from the current regulations were corrected in this draft Code, often without footnote.

Footnotes, Cross-References, and Commentary

Numerous footnotes are included to highlight relocations, new or modified provisions, and to ask questions of staff. Please pay close attention to the footnotes as you review the draft. The cross-references are often hyperlinked to other sections within the document for ease of reference. Some of cross-references to material that is outside of the scope of the Land Use Code, in the proposed Administrative Manual, or to be addressed in a different module is highlighted and will be re-linked with the consolidated draft. Each key component of the draft Installment 1 begins with a shaded text commentary box drawing the reader’s attention to the primary purpose of the article and the major changes from the current Code. These commentary boxes provide context for review and will be removed prior to the consolidated adoption draft.

Next Steps

Reviewers should consider the document with the following questions in mind:

- Is something missing from these articles that should have been included?
- Were provisions removed that should have been retained for one reason or another?
- Are there any provisions that are not clearly understood after a thorough read?

Following review and comments by City staff, City officials, and the general public, this document will be incorporated into a single consolidated draft with the other modules.