



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: September 18, 2023		Subject: Ordinance No. 882 – 1st Reading Development Code Process Clarifications	
		Staff Members: Kimberly Rybold, AICP, Senior Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: September 18, 2023 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: September 18, 2023 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: October 2, 2023 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: The Planning Commission adopted Resolution No. LP23-0002 on September 13, 2023, recommending adoption of the Development Code Process Clarifications by City Council.	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 882 on 1 st Reading.			
Recommended Language for Motion: I move to adopt Ordinance No. 882 on 1 st reading.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

The project team will present proposed Development Code amendments to clarify the review process for certain application types, including wireless communications facilities, extensions of development approvals, and temporary use and sign permits.

EXECUTIVE SUMMARY:

The proposed Development Code process clarifications will update review processes for certain application types, clarify application requirements, and correct inconsistencies in the Development Code regarding existing review processes. The proposed amendments (Attachment 1, Exhibit A) are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types. The proposed amendments will also adjust the review process for some Wireless Communications Facility (WCF) applications.

The primary focus of this work is to clarify application requirements and review processes for various types of WCF applications to better reflect Federal review and approval requirements and the level of information needed to review different types of WCFs. Key amendments include the following:

- **Review Process for Co-locations** – Revisions to Section 4.804 (Review Process and Approval Standards) to enable WCF applications subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)) to be reviewed through the Class 1 Administrative Review process. Section 6409(a) applications are required to be reviewed in a condensed timeline of 60 days (with limited tolling of this review timeline) and must be approved if all applicable criteria are met. Given the ministerial nature of this review and the inability to incorporate input received through the public comment period, a Class 1 Administrative Review process is most appropriate for these application types. This would be the same as the review process for Small Wireless Facilities (SWFs), which are governed by similar Federal review mandates.
- **Application Requirements** – Specificity added to Section 4.800 about the different WCF types to directly address which ones are permitted, conditional, prohibited, or exempt. Within Section 4.801, the proposed amendments clarify what application materials must be submitted for different WCF types. This clarification will reduce applicant confusion for co-locations and SWFs, as many of the required items are only applicable to new WCF.

Other process clarifications are proposed as noted below:

- **Extension of Development Approvals** – Revisions to Sections 4.023 (Expiration of Development Approvals) and 4.140 (Planned Development Regulations) to resolve conflicting process language regarding the review process for development approval extensions. Revisions would clarify that these requests are reviewed as a Class 1 Administrative Review.
- **Temporary Use Permits** – Amendments to Section 4.030 (Jurisdiction and Powers of Planning Director and Community Development Director) clarify how the time period of the permit is calculated consistent with current practice that allows permits for non-consecutive days. Approval criteria for Class 2 Temporary Use Permits would be updated to be consistent with Class 1 Temporary Use Permits.
- **Temporary Sign Permits** – Amendments adding clarifying language to Section 4.156.09 (Temporary Signs in all Zones) describing which temporary signs need a permit.

- **General Administration** – Clarification in Section 4.011 (How Applications are Processed) that to be considered filed, applications must include authorization as specified in Section 4.009 (Who May Initiate Applications). Clarification within Section 4.022 (Appeal and Call-up Procedures) that appeals of Development Review Board decisions must include a payment of a filing fee within the 14-day appeal period. Addition of Type B Tree Removal Permits to the list of Class 2 Administrative Review applications consistent with Section 4.610.30 (Type B Permit).

The final draft of the proposed amendments (Attachment 1, Exhibit A) incorporates clarification on outstanding items identified in the first draft of amendments presented to Planning Commission and City Council at work sessions in summer 2023. The Planning Commission held a public hearing on LP23-0002 on September 13, 2023, recommending the City Council adopt the proposed Development Code amendment. Planning Commission Resolution LP23-0002 and the associated record and findings of fact are attached as Exhibit B to the Ordinance.

EXPECTED RESULTS:

City Council adoption of the proposed Development Code amendments to provide clarity on review processes.

TIMELINE:

The public hearing is scheduled with the City Council on September 18, 2023, with second reading scheduled for October 2, 2023.

CURRENT YEAR BUDGET IMPACTS:

Consultant costs will be paid by the Planning Division’s professional services budget. Staff time for this update will be paid from the Planning Division’s budget.

COMMUNITY INVOLVEMENT PROCESS:

Existing Development Code regulations were adopted by the City after community outreach. The proposed Development Code amendments are procedural, not policy-based, in nature. The community was notified of Planning Commission and City Council public hearings and will have the opportunity to provide oral or written testimony on the amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Adoption of the proposed Development Code modifications will provide applicants and the community additional clarity and certainty on the review process for affected development applications.

ALTERNATIVES:

City Council can adopt, adopt with modifications, or deny the proposed amendments. If more time is needed to consider the proposed amendments, the Commission may also continue the hearing to a date certain.

CITY MANAGER COMMENT:

ATTACHMENT:

1. Ord. No. 882
 - A. Proposed Development Code Amendments – September 2023
 - B. Resolution No. LP23-0002 Planning Commission Record