

**RESOLUTION NO. 2019-15**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL ADOPT ORDINANCE NO. \_\_\_ ENTITLED “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADDING SECTIONS 17.020.130, (“TIME LIMITS; EXTENSIONS”) FOR DESIGN REVIEW, 17.032.100 (“TIME LIMITS; EXTENSIONS”) FOR CONDITIONAL USE PERMITS, 17.040.100 (“INCOMPLETE DISCRETIONARY PERMIT APPLICATIONS”), AND 17.040.110 (“PERMIT TIME LIMITS AND EXTENSIONS”) AND AMENDING SECTIONS 17.028.090 (“LAPSE; RENEWAL; TERM”) FOR VARIANCES, AND 17.060.090 (“TIME LIMITS; EXTENSIONS”) FOR RIDGELINE DEVELOPMENT, AND CONSOLIDATING AND REVISING SECTIONS 17.072.140 AND 17.072.150 (“EXPIRATION” AND “EXTENSION”) FOR THE HILL AREA RESIDENTIAL DEVELOPMENT OVERLAY ZONE”**

**WHEREAS**, the Town of Fairfax processes various discretionary permit applications and subsequent entitlements; and

**WHEREAS**, inability to process applications and entitlements in a reasonable time creates potential for inconsistency with regulations, misunderstanding and uncertainty regarding project status, and inefficiency in processing; and

**WHEREAS**, the Town wishes to limit the time planning applications remain incomplete and place a time limit on the validity of discretionary permit entitlements that have been granted by the Town; and

**WHEREAS**, limiting the time applications can remain incomplete and having permit approvals lapse will improve the efficiency of the Town’s permit processing, complete and accurate records, and avoid potential code changes that may render application submittals and discretionary permit entitlements out-of-compliance with local, State or Federal laws; and,

**WHEREAS**, staff has prepared such an ordinance, a true and correct copy of which is attached hereto as **Attachment 1** (the “proposed Ordinance”), which, if adopted, will amend the Town’s zoning ordinance, found at Title 17 of the Town Code; and

**WHEREAS**, in accordance with the State Planning and Zoning Law, the Planning Commission is tasked with considering whether any proposed amendment to the Town’s zoning ordinance would be in conformance with the terms of the Town’s General Plan, and the Planning Commission has determined that the proposed Ordinance would, in fact, conform to the Town’s General Plan on the basis of the following:

- The proposed Ordinance will place time limits on application submittals and discretionary permit approvals, thereby minimizing the potential for application submittals and discretionary permit approvals to become out-of-compliance with local, State, or Federal laws. This Ordinance is consistent with and will further the following Fairfax General Plan policies: Land Use Element Policy LU-8.1.2: The Town of Fairfax shall permit construction of well-designed

second units consistent with state law, zoning requirements, and building codes, parking requirements and street capacity; Circulation Element Policy C-2.5: Comply with State and Federal Regulations related to universal accessibility and Americans with Disabilities Act (ADA); Conservation Element Policy CON-2.1.2: All planning decisions shall require application of existing air quality guidelines and best practices to minimize air quality impact; Safety Element Policy S-1.1.1: Development and land use decisions will be made using the best available geotechnical information; Safety Element Policy S-2.1.1: Development and land use decisions will be made using the best available hydrological and flood hazard information; and, Safety Element Policy S-3.1.1: Development and land use decisions will be made using the best available fire hazard information.

**WHEREAS**, Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2) and 15061(b)(3) because there is no potential that the regulations result in a direct or reasonably foreseeable indirect physical change in the environment, and CEQA Guidelines Section 15378 because they have no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, the regulations are exempt from CEQA pursuant to CEQA Guidelines Section 15305, which exempts minor alterations in land use limitations.

**WHEREAS**, the Planning Commission has conducted duly-noticed public hearings to consider the draft ordinance on June 20, 2019 and July 18, 2019, hear the presentation of staff reports, and receive public comment on the matter.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Fairfax as follows:

**SECTION 1.** The recitals set forth above are adopted as further findings of the Planning Commission.

**SECTION 2.** The Planning Commission has reviewed the draft ordinance attached hereto as **Attachment A** and finds that it is consistent with the Town General Plan, as set forth above.

**SECTION 3.** The Planning Commission hereby recommends that the Town Council amend Title 17 of the Fairfax Town Code as set forth in **Attachment A** hereto to place time limits on application submittals and discretionary permit approvals in order to improve the efficiency of the Town’s permit processing and records retention and avoid potential code changes that may render application submittals and discretionary permits out-of-compliance with local, State or Federal laws.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the \_\_\_ day of \_\_\_ 2019 by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Cindy Swift, Chair

Attest:

\_\_\_\_\_  
Ben Berto, Secretary