



# TOWN OF FAIRFAX

## STAFF REPORT

### September 4, 2019

**TO:** Mayor and Town Council

**FROM:** Ben Berto, Director of Planning and Building Services *GT*

**SUBJECT:** Introduce and read by title only an *ordinance to establish time limits for incomplete applications and project entitlement approvals by 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;* CEQA exempt per CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), and 15305.

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#### **RECOMMENDATION**

- 1) Conduct Public Hearing
- 2) Introduce and read by title only the ordinance 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

#### **BACKGROUND**

Enacting regulations that consistently limit the length was recommended as part of the Planning work program by both the Planning Commission and the Town Council in 2018.

At their June 20 and July 18 meetings this year, the Planning Commission considered a draft ordinance amending the zoning ordinance to limit the amount of time: 1) a development application can remain incomplete, and 2) approved project entitlements can remain valid. At the suggestion of the two architects on the Commission, the length of time that an application

could remain incomplete was extended, in recognition of the timelines sometimes necessary to obtain technical information necessary to complete an application. At their July meeting, the Commission adopted a resolution recommending Town Council approve the proposed ordinance.

## **DISCUSSION**

The proposed ordinance limits the amount of time an application can remain incomplete and establishes a time limit for approved project entitlements. This ordinance will provide for a more streamlined, efficient, and effective processing of planning applications.

The Planning Department has 14 incomplete applications or approved applications that are currently inactive. The oldest application currently in the 'active' planning files was submitted in 2011. The applicants for all these projects have been noticed regarding the proposed regulations.

The Town already has limits to one year the length of time that approved Variances, Hillside Area Residential Development (HRD) permits, and Ridgeline Development approvals can remain valid. However, most projects in the Town involve more than one application, and the Conditional Use Permit, Design Review, and General Permit regulations contain no such time limit. This leaves it uncertain whether time limits would apply to one aspect of a project approval and not another.

At the August 7, 2019 meeting, the Town Council discussed this ordinance. The Council continued consideration of the draft ordinance to this meeting, with direction to staff to: solicit additional comment on the proposed regulations from the building community, clarify that the applicable date for imposing time limits on applications or project approvals would be the effective date of ordinance adoption, and determine to what extent other jurisdictions in the County had similar ordinances.

## **Survey of Jurisdictions**

As directed by Council, Staff contacted other jurisdictions in Marin to determine their restrictions on how long applications can remain incomplete, and approvals can remain valid. Staff's findings are shown in the table below, along with a summary of Fairfax's current partial limits.

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<b>Jurisdiction</b>	<b>Incomplete application time limits</b>	<b>Approved project time limits</b>	<b>Notes</b>
Belvedere	No	Yes	1 to 2 years for approvals
Corte Madera	n/a	n/a	No response as of this staff report
Fairfax	No	Partial	1 year for Variance, Ridgeline Development and HRD approvals, other application approvals have no time limit
Larkspur	Yes	Yes	30 days on incomplete applications. 2 years on approvals
Marin County	Yes	Yes	30 days on incomplete applications. All approvals run concurrently
Mill Valley	No	Yes	1 year for approvals
Novato	Yes	Yes	120 days for incomplete applications, 2 years for approvals
Ross	Yes	n/a	90 days for incomplete applications
San Anselmo	Yes	Yes	6 months for incomplete applications, 2 years on approvals
San Rafael	No	Yes	Varying time limits on approvals
Sausalito	Yes	Yes	120 days on incomplete applications, 2 years on approvals
Tiburon	Yes	Yes	60 days on incomplete applications, 1½ - 3 years on approvals

As can be seen from the table, other Marin jurisdictions typically have time limits for both incomplete applications and project approvals. Several of the jurisdictions that do not have time limits on incomplete applications indicated that they were considering enacting them. It is worth noting that several jurisdiction's time limits on incomplete applications were for a shorter time period than what is in the proposed ordinance. Conversely, other jurisdictions often have a two-year time period on approved projects.

Fairfax currently has a confusing combination of time limits on approvals of certain applications, but none on others. The proposed ordinance would establish a one-year deadline, which could be extended for an additional year.

### **Rationale for Time Limits**

Below are the primary reasons why time limits generally exist in other Marin jurisdictions and are proposed in Fairfax:

- 1) Inefficient processing
- 2) Misunderstandings or uncertainty regarding project status and applicable laws and regulatory processes
- 3) Increasing potential for inconsistency with applicable regulations if/when a "stale" application becomes active
- 4) Increasing file storage issues

### **No Comments from Builder Exchanges and Architects**

Staff sent the proposed regulations with a cover memo to the Marin Builder's Exchange and four local architects. This is in addition to the two architects that currently serve on the Planning Commission, whose input is reflected in the proposed ordinance. As of the date of this report, no comments from outside architects or builders have been received. Staff believes builders and architects recognize that it is a standard practice in Marin jurisdictions to have application and approval time limits.

### **Incomplete Application Time Limits for Completion**

The proposed new ordinance provides for the expiration of incomplete discretionary permit applications 180 days following the date the Town provides written notice that the application is incomplete. Upon request, the Planning Director may grant an extension not to exceed one additional year. The initial proposed time limit was 90 days unless an extension was requested and granted. However, the Commission believes that certain requested technical documents such as surveys and engineering reports will often take longer than 90 days to prepare and, thus, 180 days was deemed more practical and reasonable.

The proposed ordinance also includes language placing a shorter 60-day time limit on an incomplete discretionary permit application submitted to resolve a code enforcement matter, with the provision that the Planning Director may grant an extension not to exceed a total of an additional 90 days. Violations are presumed to need to be resolved in an expedited manner.

The Council suggested that staff explore granting code enforcement applications additional time, while still preserving shorter timeframes than for applicants who are going through the legal permit process. Insofar as code enforcement applicants can, with justification, have up to five months to complete their applications, staff does not believe additional completion time is necessary. Should the Council want to provide code enforcement applications additional time, one suggestion would be to increase the initial 60-day time limit to 90 days.

### **Discretionary Permit Time Limits and Extensions**

Amendments are recommended for Chapters 17.020 (Design Review), 17.028 (Variances), 17.032 (Use Permits), 17.040 (General Zone Regulations), 17.060 (Ridgeline Development), and 17.072 (Hill Area Residential Development Overlay Zone) to thereby establish a single location in the Zoning Ordinance that sets forth consistent expiration periods for all planning approvals that have been inactive for years. Currently, Variances, Ridgeline Development, and Hill Area Residential Development Permits have one-year vesting time limits and allow extensions of time. However, Design Review and Conditional Use Permits have no such time limit. The current inconsistency among different code chapters results in uncertainty regarding expiration of approved projects with different types of applications.

The proposed code amendments clarify that discretionary planning application(s) approval period is one year from the date of approval. Thereafter, the approval(s) expire and become void unless prior to expiration of that year, an applicant requests an extension, which may

extend the term of approval for up to an additional year. Moreover, a proposed provision allows minor changes to a project if “circumstances surrounding the project so warrant and do not substantially change the project.” This will provide flexibility negotiating improvements to accompany an approval extension, short of an applicant having to undergo the entire process again.

The regulations also propose that if any Building Permit or other permit approval is issued for the project, the terms of the planning applications run with the other permits. This is to avoid a situation where a building permit or subdivision approval may still be valid, but the discretionary application approval and conditions expired.

It should be noted that the “substantial progress” demonstrating permit or entitlement validity allows some flexibility in interpretation. An applicant showing substantial progress in a resubmittal would reset the deadlines. Generally, for Planning-approved projects for which some type of construction permit has been issued, the project has to meet the California Building Code inspection schedule of one inspection every 6 months.

### **Effective Implementation Date**

The Council requested clarification of the implementation date. For all existing incomplete applications or project approvals, the time limits will be applied as of the effective date of the ordinance. For example, the 180 day time limit for current incomplete applications would begin on the ordinance's effective date (i.e., the “clock” for the 180-day time limit starts on the effective date). The ordinance would take effect 30 days after the second reading. Staff added a “whereas” clause in the ordinance to clarify the implementation dates.

### **CEQA for Amendments to Chapter 17.110**

This Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (California Public Resources Code §21000 et seq.) because the proposed Ordinance does not constitute a “project” pursuant to State CEQA Guidelines Section 15060(c)(2). Moreover, it is exempt from CEQA review because there is no potential for the regulations to result in a direct or reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines, Section 15061[b][3]. Finally, the regulations are exempt from CEQA pursuant to State CEQA Guidelines Section 15305, which exempts minor alterations in land use limitations.

### **FISCAL IMPACT**

None at this time

### **ATTACHMENTS**

Attachment A – Time Limits and Extensions Ordinance  
Attachment B – Planning Commission Resolution



ORDINANCE NO. \_\_\_\_

**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

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

**WHEREAS**, limiting the time applications can remain incomplete and having permit approvals lapse will 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; and,

**WHEREAS**, the time limits established shall commence from the effective date of this Ordinance for any application submitted or project approval granted prior to the effective date of this Ordinance; and

**NOW, THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1:** The following section shall be inserted into Chapter 17.040 of the Town Code of the Town of Fairfax immediately following Section 17.040.090:

**"§ 17.040.100 Incomplete Discretionary Permit applications**

(A) Review for Completeness. Within 30 days of receiving a discretionary permit application, the Town shall review the application for completeness and accuracy of required information before it is accepted and acknowledged as being complete and officially filed. When the Town informs the applicant in writing within 30 days following the submission of the application(s) that an application is incomplete and specifies additional information required for completeness review but applicant fails to submit such information within the time limits listed in §17.040.100(A)(1) or (A)(2) below, as applicable, the discretionary permit application shall expire unless the applicant obtains from the Planning Director an approved Request for Extension.

(1) **General time limit.** An incomplete discretionary permit application shall expire 180 days following the date the Town provides written notice that the application

is incomplete, unless the Director grants an extension not to exceed one additional year. This time limit shall not apply to Section 17.040.100(B) (Initial Application Review for Discretionary Permits – Enforcement cases) below.

(2) **Enforcement cases.** An incomplete discretionary permit application, submitted to resolve a code enforcement matter, shall expire 60 days following the date the agency provides written notice that the application is incomplete, unless the Director grants extensions not to exceed a total of an additional 90 days.

(B) Resubmittal. In the event that a discretionary permit application expires the applicant may submit a new application, subject to all payment of all applicable fees, in accordance with this Code, and the application review process will commence again.

(C) After a discretionary permit application has been determined to be complete, the Town may require the applicant to submit additional information necessary to conduct environmental review or otherwise evaluate the application consistent with applicable requirements.”

**Section 2:** A new Section 17.040.110 (“PERMIT TIME LIMITS AND EXTENSIONS”) is hereby added to Chapter 17.040 (“General Zone Regulations”) to read as follows:

#### **“§ 17.040.110. PERMIT TIME LIMITS AND EXTENSIONS**

(A) Time limits, vesting. Unless conditions of approval or other applicable law establish a different time limit, any permit or entitlement not vested within one year of the date of approval shall expire and become void. Vesting of the permit shall be as provided under State and Federal law, which currently provides that the permit shall not be considered vested until, at a minimum, the permit holder has performed the following:

- (1) Obtained a Building Permit or other similar construction permit, and
- (2) Has made substantial progress in reliance thereupon towards completing the improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or
- (3) Has recorded a Parcel or Final Map.

(B) Extensions of time. Upon request by the applicant, the Planning Director may extend the time for an approved permit to become vested.

(1) Filing. The applicant shall file a written request for an extension of time with the Planning Department, at least 10 days prior to the expiration of the permit, together with the filing fee in accordance with the schedule of fees fixed and adopted by the Town Council. The burden of proof is on the permittee to establish, with substantial evidence, that the permit should not expire



(2) Review of extension request. The Planning Director shall determine whether the permit holder has attempted in good faith to comply with the conditions of the permit. The Director may instead refer the extension request to the Planning Commission for review.

(3) Action on extension. If the Planning Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Planning Director may extend the permit for a maximum period of one additional year following the original expiration date. When granting an extension, the Planning Director may approve or make minor modifications to the approved project based upon a finding or a change in the laws, codes, or other circumstances surrounding the original approval so warrant.

(4) Hearing on extension. If the Planning Director finds that significant policy questions are at issue, the Planning Director may refer the application to the Planning Commission for a public hearing. The expiration period for the application(s) and/or approval(s) shall be stayed until such time the Planning Commission rendered a decision on the policy questions and extension.

(5) Coordination of expiration date among multiple permits. If a Building Permit, or other permits, are issued during the effective life of the entitlement or development application approval, the expiration date of the entitlement or development application approval shall be automatically extended to coincide with the expiration date of the Building Permit or other permit."

**Section 3:** Sections 17.020.130, 17.032.100, ("TIME LIMITS; EXTENSIONS") of the Fairfax Municipal Code, Chapters 17.020 and 17.032 ("DESIGN REVIEW REGULATIONS" and "USE PERMIT REGULATIONS") are hereby added to read as follows:

**"§ 17.020.130. TIME LIMITS; EXTENSIONS.**

Notwithstanding any other provision of this Chapter, any design review permit shall comply with Section 17.040.110 ("PERMIT TIME LIMITS AND EXTENSIONS") of Chapter 17.040 ("General Zone Regulations")."

**"§ 17.032.100. TIME LIMITS; EXTENSIONS.**

Notwithstanding any other provision of this Chapter, any conditional use permit shall comply with Section 17.040.110 ("PERMIT TIME LIMITS AND EXTENSIONS") of Chapter 17.040 ("General Zone Regulations")."

**Section 4:** Section 17.060.090 ("PERMIT TIME LIMITS; EXTENSIONS") of the Fairfax Municipal Code, Chapter 17.060 ("Ridgeline Development") and is hereby repealed and replaced in its entirety as follows:

**“§ 17.060.090. TIME LIMITS; EXTENSIONS.**

Notwithstanding any other provision of this Chapter, any permit granted for building in the ridgeline scenic corridor shall comply with Section 17.040.110 (“PERMIT TIME LIMITS AND EXTENSIONS”) of Chapter 17.040 (“General Zone Regulations”).

**Section 5:** Section 17.072.140 (“EXPIRATION”) and Section 17.072.150 (“EXTENSION”) of the Fairfax Municipal Code, Chapter 17.072 (“Hill Area Residential Development Overlay Zone”) are consolidated and revised to read as follows:

**“§ 17.072.140. TIME LIMITS; EXTENSIONS.**

Notwithstanding any other provision of this Chapter, any hill area residential development permit shall comply with Section 17.040.110 (“PERMIT TIME LIMITS AND EXTENSIONS”) of Chapter 17.040 (“General Zone Regulations”).

**Section 6:** Section 17.028.090 (“LAPSE; RENEWAL; TERM”) of the Fairfax Municipal Code, Chapter 17.028 (“Variances”) is repealed in its entirety and is replaced as follows:

**“§ 17.028.090. TIME LIMITS; EXTENSIONS.**

Notwithstanding any other provision of this Chapter, any permit granted for a variance shall comply with Section 17.040.110 (“PERMIT TIME LIMITS AND EXTENSIONS”) of Chapter 17.040 (“General Zone Regulations”).

**Section 7. CEQA.** 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 it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for housing development at densities that exceed what was previously allowed in the PDD 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; and

**Section 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection,

sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation; and

**Section 9. Effective Date and Posting.** This Ordinance shall become effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Fairfax on the \_\_ day of \_\_\_\_\_, 2019, and duly adopted at the next regular meeting of the Town Council on the \_ day of \_\_\_\_\_, 2019, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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BARBARA COLER, Mayor

**ATTEST:**

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Hannah Politzer, Deputy Town Clerk



**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:

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Cindy Swift, Chair

Attest:

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Ben Berto, Secretary