

Certificate of Adequate Public Facilities - Timing of Certification

Staff Report:

“New projects,” as defined in 22.04.010, of any non-residential building or of any mixed use planned development of non-residential and residential uses are subject to Major Site Design Plan approval and, if greater than 10,000 square feet in area, or contain more than 11 residential lots regardless of square footage, require the issuance by the Planning and Zoning Director of a Certificate of Adequate Public Facilities.

The Planning and Zoning Director requests written findings from the following departments: Police, Fire, Public Works, Transportation, Recreation and Parks, and Planning and Zoning, which eventually result in an Adequate Public Facilities Agreement signed by the City and the developer. These agreements are monitored for compliance during construction. Some existing agreements were generated more than 10 years ago with provisions unfulfilled.

The Code currently requires expiration of the certificate after 5 years unless a subdivision plat has been recorded or a building permit for any part of the proposed project has been obtained, and allows the director to grant up to two five year extensions for good cause.

The proposed ordinance is stricter than the exiting Code provisions in that it creates a finite term of 10 years for full compliance with an Adequate Public Facilities Agreement with no possibility of extension as a consequence of lack of compliance while allowing for review and revisions to a public facilities agreement for which each provision within 5 years after date of execution has not been achieved, or a completely new agreement and reissuance of the certificate.

Prepared by Gary M. Elson, Assistant City Attorney, Office of Law.