

# ATTACHMENT A

## Feedback and Comments for Further Revisions on the Docket Process code rewrite PC Meeting 06/10/20

Typos – as called out

Staff Response: Corrected

### Section 2. Review Process and Approving Authority:

- Fix numbering and lettering
- Exemption - Remove blue revision in c. and correct the duplicative language  
Staff Response: Corrected

Staff Response: revisions made

### Section 3. Who May Apply:

- Add new subsection a. Members of the Public (Commissioner Varadharajan; Chair Captain)
- Bullet out the list beginning with members of the public, Council, and Planning Commission- can you add: On behalf of city departments and other boards and commissions serving the city , city staff may recommend comprehensive plan amendments to be considered for inclusion on the Annual docket by the Planning Commission (we need to be exempt from the application process too. (Beverly)

Staff Response: new subsection added.

- Define terms: publicly-initiated and privately-initiated to avoid ambiguity; perhaps consider hypertext that refers to terms in the Glossary (Commissioner Varadharajan)

Staff Response: No need to differentiate btw the two groups in the code. Staff uses these terms to describe to PC and Council what types of applications the City received. The code treats both groups as “the public”.

### Section 4. Minimum Application Requirements:

- Pre-application meeting: Have other jurisdictions codified mandatory pre-application meeting? (Commissioner Knopf)

Staff Response: Yes, this request is a very typical provision used in codes describing requirements of a docket application process. A pre-application is beneficial to both staff and a potential applicant.

### 5. Annual Review Docket Application

- Text revision: "...will RECEIVE further consideration in a given docket cycle" versus "will be given further consideration in a given docket cycle." The "given ... given" construction is clunky. (Commissioner Knopf)

Staff Response: Suggestion adopted into the revisions.

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- General Counsel Jim Haney’s feedback: Include a provision that calls out opportunity for public participation during a comp plan periodic update in the event Council exercises its discretion not to open the docket.

Staff Response: new language drafted

- Combine/reword the 2 neighborhood-related criteria

*The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years);*

*The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years).*

Staff Response:

Suggesting removing this altogether. A proposal can already be evaluated against neighborhood plans in criterion ii. Also, the Comprehensive Plan has policies regarding when neighborhood plans should be updated, and this may change in the upcoming periodic review. See below:

NE-1 policy states that Neighborhood plans are to be significantly updated every 12 years, and minor updates every 6 years.

### 6. Council Review

- When Council defers an item will they state a reason for doing so? (Chair Captain)

Staff Response: Yes, the provision includes the term, “as specified” and reads as follows:  
c. Defer. The City Council’s decision to defer an application means the application may be considered, **as specified by the Council,** for the next annual docket cycle, neighborhood plan review and update, a previously established work program, or the next periodic review cycle.

### Fee Comments:

- Request to share the metrics used to support fees amendment. (Commissioner Varadharajan)

Staff Response: Development Services provided the template applied to the City’s fee schedule. Staff will apply identify staff positions, tasks, hours and Finance will apply the formula to calculate the fee. We will discuss further during July study sessions.

- Has staff considered charging applicants an hourly rate? (Commissioner Knopf)

Staff response: Yes, some considerations included the challenge to build capacity for processing billing and remittances and refunds if the hours exceed the initial deposit; legal counsel’s advice regarding not putting the City in a position to have to legally take a

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docketed item through the paces when there could be a balance outstanding. Having a flat fee that captures estimated costs seem to outweigh adding another layer of process to monitor payments while simultaneously coordinating the flow of the docket application review.

- Consider a provision that would not allow Council or Planning Commission sponsored applications if the applicant is proposing an amendment for personal financial gain.

Staff response: It would be difficult to codify subjective criteria to rule out an application that may engender personal financial gain. However, the mechanism that staff suggests as a code revision is that any sponsored proposal must have a majority vote of the Council or Planning Commission to receive further consideration as docketed item. The discussion before such a vote to sponsor an application where the fee will be waived can include many aspects of the proposal including weighing a proposal's benefit to the wider community versus financial benefit to the applicant. Every application, sponsored or not, would have to pass the minimum threshold criteria.