
Sec. 94-577. - Mandatory and optional review of development orders.

- a. *General.* It is the policy of the city that no final development orders shall be issued unless adequate public facilities are available to serve the project which is the subject of the final development order. In order to ensure that adequate public facilities are available concurrent with the impacts of development on each public facility, the procedures of this section shall govern the issuance of development orders.
- b. *Exemptions.* The following types of development shall be exempt from the requirements of this article, but only to the extent stated in an applicable certificate of exemption:
 1. Any developer who has submitted to the city a complete application for a final development order prior to February 1, 1990, and the application and/or project has continued in good faith;
 2. An alteration to a project which is the subject of a development order which does not create any additional impacts on public facilities;
 3. The construction of accessory buildings or structures which do not create additional impacts on public facilities;
 4. The replacement of (i) an existing dwelling unit when no additional dwelling units are created, or (ii) an existing nonresidential structure when the type of use is unchanged and no additional square footage is added; and
 5. A single-family residential unit or a duplex, to be constructed on a legal platted lot of record existing prior to February 1, 1990.
- c. *Issuance of certificate of exemption.* Upon application by an owner of a project which is exempt pursuant to the terms of this section, the planning department shall issue a certificate of exemption, using the procedures described in this section.
- d. *Mandatory certification of final development orders.* All applicants for final development orders shall submit with such application either a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation.
- e. *Preliminary development orders ineligible for certification.*
 1. *Generally.* Preliminary development orders do not directly authorize development to commence or are so conceptual that they do not allow an accurate assessment of a project's impact on public facilities. Preliminary development orders require subsequent final development orders which are subject to concurrency review. Therefore, preliminary development orders are not required to be reviewed for concurrency and may not apply for or receive a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation. A concurrency determination may be requested in conjunction with preliminary development orders as described in subsection (e)(2) of this section.
 2. *Requirements for preliminary development orders.* The following requirements are imposed on preliminary development orders:
 - a. All applicants for preliminary development orders must submit with the application for the preliminary development order a signed affidavit acknowledging the eventual requirement for a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation.
 - b. Staff shall include as part of all preliminary development orders a condition that the issuance of any subsequent final development order is contingent upon the applicant obtaining a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation.
- f. *Succession.* If a final development order requires subsequent development orders, e.g., site plan approval followed by one or more building permits, the original certificate of concurrency reservation or the original conditional certificate of concurrency reservation shall serve all such subsequent development orders, provided that there has been no expiration of the original development order.
- g. *Optional review of projects.* Any person may request a concurrency determination at any time subject to the payment of an appropriate fee. A concurrency determination is simply a quick determination by city staff as to

whether capacity for a particular project appears to exist. It reserves no capacity and is in no way binding upon the city.

(Code 1979, § 33-246)