



## MEMORANDUM

**TO:** City Council Members

**FROM:** Jeff Tate, Assistant Director of Community Development

**CC:** Mayor Nancy Backus

**DATE:** December 4, 2017

**RE:** Planning Commission Recommendation – Amending Title 18 as it Relates to Calculating Residential Densities

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### Summary Statement

On September 6, 2017, the City of Auburn Planning Commission held a public hearing, deliberated, and affirmatively voted to make a recommendation that City Council amend various sections of Title 18 as they relate to the methodology that is used to calculate residential densities when subdividing land. The Planning Commission voted in favor of all but one of staff's recommended code changes. Under cover of this memo are summary highlights of the Planning Commission's recommendation, a description of the staff recommendation that was not accepted by the Planning Commission along with a presentation that was provided relative to lot width and size standards, the staff reports provided to the Planning Commission, public comments that were received, and an overview of the process.

### Overview of Planning Commission Recommendation

1. Shift from utilizing a "Net Site Area" methodology to a "Gross Site Area" methodology.

Both developers and staff find the current language confusing and believe that it leads to unintended consequences that are inconsistent with the Growth Management Act. The current language also makes it very difficult for a property owner or developer to know how many lots they can achieve through a subdivision until well into the process (and after quite a bit of money is spent studying the site and designing the layout).

The essence of the Net Site Area methodology is that areas of land must be removed from a property before determining the potential number of lots that can be created through a subdivision. A developer starts with the gross site (e.g. 5 acres), must remove specific features from the gross site (e.g. let's just say that adds up to 1.5 acres), and the density is calculated on the area that is left over (e.g. in this case, that leaves 3.5 acres). If the property is zoned R5 (5 dwelling units per acre) it means that the developer can achieve 18 lots.

The types of areas that must be removed include wetlands, fish and wildlife habitat areas, landslide areas, and public rights-of-way. The challenge to the developer is that they are forced to delineate all of the critical areas and design all of the public

rights-of-way before they understand their lot potential. This is an expensive and time consuming proposition that an owner needs to complete simply to understand their lot yield.

Additionally, after this exercise is complete the overall density can decrease significantly. While density can be achieved within the remaining land area, the overall density is less than what is intended within the zone. For example, in the above scenario, 18 lots on the remaining 3.5 acres meets density within the footprint of the remaining lot area, but it does not meet GMA density objectives because the final outcome is 18 lots on a 5 acre parcel which falls short of the minimum density of the zone. This scenario has become the norm for land division – R5 properties are not yielding the number of lots that are anticipated within the zone.

A shift to a Gross Site Area methodology establishes a simple and predictable formula for calculating density. Density output is based on the raw acreage of the land. A 5 acre parcel that is zone R5 must achieve between 20 and 25 lots. Critical area regulations must still be adhered to, roads and sidewalks designed accordingly, minimum lot sizes achieved, minimum lot widths adhered to, setbacks met, coverage limits complied with, and all other development standards addressed.

2. Allow for the administrative decision to waive the requirement to meet minimum density when a lot is encumbered by critical areas, conservation easements, utility easements, or other encumbrances that make it impractical to meet the density requirement.

The rationale for this administrative allowance is to be able to address situations where a significant portion of a property is encumbered with areas that have development restrictions established (via code or recorded dedications). If a lot is heavily encumbered by critical areas or an easement, it becomes increasingly difficult to meet the minimum density requirements. For example, if a 10 acres only has 1 acre of developable land, it will be impossible to achieve the minimum required density (e.g. in the R5 zone where the minimum density is 4 dwelling units per acre, the developer would be required to establish at least 40 lots on the 10 acre lot; since 9 acres cannot be disturbed it would require that all 40 lots be placed on the remaining 1 acre – an outcome that is impossible to achieve). This provision allows for staff to make an administrative decision to relieve the developer of the requirement to achieve minimum density.

3. Exempt short subdivisions (9 lot subdivisions or less) from the requirement to meet minimum density.

The rationale for this exemption is that it is usually very difficult for smaller lots to achieve minimum density. For example, in the R5 zone this exemption would apply to lots that are less than 2 acres in size. Because the minimum density in the R5 zone is 4 dwelling units per acre, a 2 acre lot must be divided into at least 8 lots. More times than not, it is extremely difficult, if not impossible, to achieve this outcome which results in the lot not being subdivided at all – an outcome that is contrary to our infill objectives.

A typical scenario is that a property owner would like to divide their 1 acre property into two lots. They would like to keep their house on one of the lots and sell the other portion in order to earn income. When they approach the City to inquire about

dividing their land they are surprised to learn that our city code does not allow a 1 acre property to be divided into 2 lots; instead, it must be divided into at least 4 lots. Given the intention to keep the existing home it becomes impractical to divide the lot without demolishing the home.

4. Eliminate the requirement that all subdivisions adhere to a “Minimum Average Lot Area”.

It remains unclear as to the purpose of this standard. Given that maximum density limits the overall number of lots that can be created and that there is a minimum lot size that must be adhered to, it is unclear what an average lot area standard accomplishes. The only outcome is that some property owners have larger lots while other property owners have smaller lots. But there is no public benefit for this outcome.

### **Staff Recommendation Not Accepted by Planning Commission**

1. Staff made a recommendation to the Planning Commission that they consider reducing the minimum lot size in the R5 zone from 6,000 square feet to 4,500 square feet. The rationale for this modification is to create more flexibility in the design of residential communities and more opportunity to achieve a zoning designations intended density. It is staff's belief that the singular effect that this change would have is to potentially reduce the size of a backyard. Here is why:
  - a. Density still controls the number of lots that can be established within a zone. Whether the minimum lot size is 500 square feet or 10,000 square feet, minimum and maximum density limits define the number of lots that can be created.
  - b. Minimum lot width remains at its current standard of 50'. While the lot size may decrease the lot width must remain at 50'. Attachment D provides visual examples of how lot width has far greater impact on the appearance and feel of a community than lot size. Larger lot widths also promote crime reduction efforts by allowing the first floor of a home to have windows facing the street. Narrow lots eliminate windows because it is just the garage that remains. It is an accepted principle of crime prevention through environmental design (CPTED) that the presence of first floor windows discourages crime because of the perception that more people may be viewing the street.
  - c. Building setbacks must still be complied with. Front, side and rear yard setbacks remain in force. Of particular note is that garages must be setback from the street further than the house. This ensures that the pedestrian experience and design of a community is not dominated by garage doors.
  - d. Stormwater standards must still be met. Modern storm water standards place a heavy emphasis on treating storm water on site through the use of infiltration and low impact development. Where soils are not conducive to infiltration lot sizes will be forced to increase in size.
  - e. Compliance with environmental regulations must still be demonstrated.

It is staff's opinion that the only sacrifice made as a result of allowing smaller lots is that residential backyards will potentially be smaller. Attachment D provides illustrations that help document this conclusion.

## **Process Overview**

- July 31, 2017 – The formal notice of application date is established.
- August 8, 2017 – Staff introduce the matter to the Planning Commission during a scheduled public meeting.
- August 14, 2017 – Staff submitted the request to publish the SEPA Notice of Hearing and Notice of Application for the August 17, 2017 edition of the Seattle Times.
- August 17, 2017 – Staff submitted the draft amendments to the State Department of Commerce in order to initiate state agency review as required by RCW 36.70A.106.
- August 17, 2017 – Received acknowledgement from State Department of Commerce that the draft amendments had been submitted in compliance with RCW 36.70A.106.
- August 17, 2017 – The SEPA Notice of Hearing was published in the Seattle Times. The notice initiated a comment period that expired on September 1, 2017 and an appeal period that expired on September 15, 2017.
- September 1, 2017 – The comment period expired. 2 public comment letters were submitted.
- September 6, 2017 – The Planning Commission public hearing was held. Planning Commission deliberated and voted.
- September 15, 2017 – The appeal period expired. No appeals were filed.

## **Attachments:**

- A) Planning Commission recommended code amendments
- B) Staff report transmitted to the Planning Commission for their August 8, 2017 meeting
- C) Staff report transmitted to the Planning Commission for their September 6, 2017 hearing
- D) Presentation of the impact of lot width in residential communities
- E) Public comments submitted to the Planning Commission