



Department of Planning and Community Development

Memorandum

Date: July 23, 2019
To: City Council
From: Christy Carr, AICP
Senior Planner
Subject: **Ordinance 2019-03: Subdivision Update**

Introduction

The Planning Commission's recommended draft of the subdivision update has been discussed at five study sessions on March 19, April 2 and 16, and May 7 and 28, 2019. In general, the City Council completed its substantive discussion regarding the subdivision update at the May 28, 2018 meeting. Following Council's last review, the proposed Ordinance was reviewed internally by the current planning team. The purpose of tonight's agenda item is to allow City Council an opportunity to refresh on the topic and to provide direction to staff prior to finalization of the public hearing draft. Staff anticipates the City Council will set a public hearing for August 27, 2019.

Changes to the May 28, 2019 draft – the last draft seen by City Council – are shown in blue strikethrough/underline text, highlighted in yellow, in Exhibit A to Ordinance 2019-03. Several new definitions were added to Exhibit B (BIMC 17.28, Definitions). A summary of these changes is provided in the table below. Straightforward clerical edits are not addressed.

Page	Section	Summary of Change
1-2	17.12.040	<ul style="list-style-type: none"> • The word “only” was added to clarify that a departure may be requested only by the applicant. The City Council directed staff to remove from the Planning Commission’s recommended draft the ability for the City to request a departure. Permit review staff felt further clarification was needed to underscore that the Design Review Board and/or members of the public could not request a departure. • Additional clarifying language was also added related to the departure process.
3	17.12.050.A.2	<ul style="list-style-type: none"> • Tree unit requirements were deleted from Primary Natural Areas since trees retained under landscaping requirements do not necessarily need to be located within the natural area. • Freestanding landmark trees were added to Primary Natural Areas since the landmark tree ordinance does not apply island-wide and there is no other mechanism (outside of perimeter and roadside buffers) to require retention of landmark trees within subdivisions. • “Mature woodlands” was changed to “Mature trees and shrubs” because there is already a definition for the latter. This definition (located in BIMC 18.36) was revised to exclude invasive and noxious species.
3	17.12.050.A.3	<ul style="list-style-type: none"> • The sentence “buffer modifications or setback reductions may be used” was added to clarify that these critical area allowances may be used within subdivisions. Given the amount of natural area that may be required on a site when critical areas are present, some properties may not be able to achieve the allowed density, which is not a change from the City’s current regulations. <i>Staff requests City Council input on whether or not critical area buffer modifications or setback reductions should be able to be used, and in what scenarios. For example, only to achieve allowable (maximum) density? To achieve “reasonable” density?</i> • The sentence “This may result in no subdivision being permitted or a subdivision with less than the maximum number of lots allowed in accordance with Table 17.12.070-1” was added to clarify that constrained lots may not be able to achieve allowable density. • A change was made to allow critical areas and their buffers and setbacks on individual lots, which is consistent with the City’s current regulations.
4	17.12.050.A.4	<ul style="list-style-type: none"> • Several changes were made to the language related to ARPAs within subdivisions for clarification. In effect, the revised language is intended to say that (1) an ARPA in a subdivision has

Page	Section	Summary of Change
		to meet the same standards as an ARPA outside a subdivision and (2) the total development area allowed is not 12,500 square feet per lot, it is – in aggregate – 12,500 square feet for each lot allowed. This means that site disturbance outside of individual lots must be included in the overall development area.
7	17.12.050.B.3	<ul style="list-style-type: none"> • New language added to state community space shall not included perimeter or roadside buffers. This is added because it is unlikely that these buffers would meet the objectives of community space as stated in 17.12.050.B.1.
8	17.12.070.A	<ul style="list-style-type: none"> • Language related to constrained lots was revised to clarify that some properties may not be able to subdivide or subdivision may not be able to achieve maximum number of allowable lots.
10	17.12.070.L	<ul style="list-style-type: none"> • Clarifying language was added to the fencing standards.
10	17.12.070.N	<ul style="list-style-type: none"> • The sentence “Perimeter buffers are not required along dedicated public rights-of-way” was added to differentiate perimeter and roadside buffers. • An exception for properties less than one acre was added (i.e., subdivisions with less than one acre do not required perimeter buffers)
16	Table 17-12-070-2	<ul style="list-style-type: none"> • “Zero homesite boundary” was added to setbacks for houses less than 1,600 square feet • Term “subdivision access road” was added instead of “all other streets” or “local access road.” Definition of new term included in Exhibit B (BIMC 17.28) • Some numbers changed for consistency.
APPENDIX B – BIMC 17.28 (Definitions)		
New definitions:	<ul style="list-style-type: none"> • Driveway • Mature trees and shrubs • Scenic view/viewshed • Shared garage • Subdivision access road 	