

**SULTAN PLANNING BOARD  
AGENDA COVER SHEET**

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**ITEM NO:** D-4  
**DATE:** March 2, 2010  
**SUBJECT:** Planned Unit Development (PUD) Code Revision  
Lot Averaging Provision  
**CONTACT PERSON:** Robert Martin, Community Development Director

*Rev*

**ISSUE:**

Review of Staff draft of Lot Averaging Code, proposed SMC 16.14. as part of process to remove PUD Provisions from Sultan Municipal Code (SMC) and replacement with a Lot Averaging provisions.

**BACKGROUND:**

At the February 16, 2010 meeting, the Board reviewed several lot averaging provisions from various jurisdictions and agencies.

The Board directed Staff to proceed with construction of a Lot Averaging Code Draft that would be reviewed at this meeting.

**Attachment A** is the requested Staff draft of a new SMC Chapter 16.14: Lot Averaging.

**DISCUSSION:**

Lot averaging is a relatively straight-forward mechanism to accommodate the type of land that most of the large undeveloped tracts that developers will be dealing with in the Sultan area. These undeveloped tracts are characterized by restricted/isolated developable areas within an interwoven matrix of wetlands and other critical areas. This situation is responded to very effectively by Lot Averaging.

Lot Averaging will replace the current Planned Unit Development Code (PUD) which the Board and the Council have found to be ineffective in addressing the coincident needs of flexibility in land development patterns and effective protection of critical areas.

Replacement of the PUD Code with Lot Averaging will greatly simplify the development process while increasing effectiveness of the purposes intended by the PUD Code.

**ANALYSIS:**

Highlights of the attached Staff draft are as follows:

- Property must have at least 20% undevelopable critical areas to qualify for Lot Averaging. Developer cannot artificially create a qualifying development.
- Lot size in the three main residential zones (LMD, MD, and HD) is allowed to be reduced to not less than 70% of the lot size normally required in the zone. This approach is the most direct way to address the issue. It does not provide as much latitude/flexibility as some other lot averaging programs, but it provides the clearest and simplest implementation for developers and Staff.

- Roads and required stormwater treatment areas are excluded from the calculation that determines the maximum number of lots available on the property. This is because these facilities are required in a standard subdivision and are not unique to a property with a large percentage of undevelopable critical areas.
- Critical areas are included in the calculation leading to the number of lots potentially available. This is because the presence of the undevelopable critical areas is the reason that the lot averaging program is being employed in the first place. That is what is unique to the property and why it needs to implement lot averaging.
- The net number of potential lots after the calculation is complete is not set as the number of lots that will be allowed. The maximum number of lots allowed in the applicable zone is reduced to accommodate the requirement that no individual lot is reduced to smaller than 70% of that required in the zone.
- Minimum lot width is set at 40-feet. Minimum lot depth is set at 70-feet. These limits, when combined with the smallest lot that can be created (3,500 sq.ft.) accommodate small residences within the intent of the High Density Zone. A lot with the 70-foot minimum depth would have to be 50-feet wide. A lot with the minimum 40-foot width would have to be 87.5-feet deep.
- All other development standards of the existing subdivision code and the setbacks and other area requirements of the various zones remain in effect and are not affected by the implementation of lot averaging.

### **Lot Size Modification:**

The maximum 30% reduction (minimum lot size of 70% of the size required in the zone) results in the following lot sizes:

High Density (HD): Zone Minimum = 5,000 sq.ft. : 30% reduction = 3,500 sq.ft.

Medium Density (MD): Zone Minimum = 7,200 sq.ft. : 30% reduction = 5,040 sq.ft.

Low Mod. Density (LMD): Zone Minimum = 10,890 sq.ft. : 30% reduction = 7,623 sq.ft.

The smallest lot available under these standards is 3,500 sq.ft. The buildable area on a lot of this size after accounting for normal setbacks in the HD Zone is 1,050 sq.ft.

### **Lot Size Diagram:**

**Attachment B** is a site plan of the development pattern on the smallest lot (3,500 sq.ft. in the 70 x 50 foot format) that can be developed under a 30% reduction in the HD Zone. All other lots in other Zones are larger as described above.

### **Policy Options:**

Given this model, the Board can review and consider options for the variables in the attached Draft Code. The main variables are as follows:

1. The percentage of allowed reduction. It can be a different percentage than 30% that applies to all Zones, or it can be different percentages in different Zones.
2. Lot width and depth. 70-foot minimum depth and 40-foot minimum width are common in City Codes, but they can be different for different Zones.
3. Stormwater and Road exclusions can be viewed from different perspectives.
4. Minimum property size can be changed to different values in different Zones.

**NEXT STEPS:**

1. Board review of this report and Attachment A.
2. Board direction to Staff on policy questions needing clarification, or policy directions that the Board would like to explore.
3. Staff construction of response to Board direction.
4. Board review, final input, and set Public Hearing.
5. Conduct Public Hearing
6. Make modifications as appropriate
7. Make recommendation to City Council in tandem with final recommendation on PUD Code.

**RECOMMENDATION:**

Staff recommends that the Board review the Attachments provided, discuss the Lot Averaging program that seems to be appropriate for the Sultan Community, and provide direction to Staff.

**ATTACHMENTS:**

Attachment A: Staff Draft SMC Chapter 16.14

Attachment B: Site Plan of Development Pattern

**Board Action:****Staff Action:**

## **Chapter 16.14 LOT AVERAGING**

### **Sections:**

16.14.010	Purpose of Lot Averaging Provisions
16.14.020	Applicability of Lot Averaging
16.14.030	Limitations on Implementation of Lot Averaging
16.14.040	Lot Averaging Calculation
16.14.050	Development Standards in Lot Averaging Subdivisions

### **16.14.010 Purpose of Lot Averaging Provisions**

- A. Much of the land designated by the Sultan Comprehensive Plan for Residential Development is not developable because of extensive wetlands and steep slopes that are protected by Critical Area Regulations. Exclusion of these critical areas results in a Net Developable Area that allows considerably fewer residential units than would be allowed if the entire property could be developed at standard Zoning Densities.
- B. Previously the City accommodated this circumstance by using the Planned Unit Development (PUD) process. The City finds that that the PUD process was not an appropriate answer to the situation and that in many cases, the critical areas protection and the residential development that resulted from PUD development did not achieve desirable results.
- C. The City finds that Lot Averaging is the appropriate answer to this circumstance.
- D. Lot Averaging is an approach to subdividing land that allows a parcel to be divided such that some or all of the resulting lots are smaller than the minimum lot size required in the applicable zone to accommodate the presence of extensive wetlands and critical areas.
- E. Lot Averaging cannot result in a parcel being divided into a greater number of lots than would result from subdivision at the normal minimum lot size required in the applicable Zone. The total number of lots in a subdivision implementing lot averaging cannot exceed the maximum number of lots allowed on the subject property by the applicable Zone.
- F. Lot Averaging does not assure that the number of lots available to a Developer on a particular parcel will be the same as the number available if the property were not encumbered by critical area exclusions. It is provided as a mechanism to achieve full compliance with all Critical Area Regulations while allowing a "safety valve" to allow development densities to get closer to the allowed zoned density on properties that have significant critical areas exclusions.

### **16.14.020 Applicability of Lot Averaging**

- A. Lot Averaging provisions of this Chapter apply to and may be used by Developers of land in the following Zones:
  - 1. Low/Moderate Density; LMD: (16.12.010)
  - 2. Moderate Density; MD: (16.12.020)
  - 3. High Density; HD: (16.12.030)

- B. Lot Averaging may be utilized, at the option of the Developer, in the following circumstances:
  - 1. The property proposed for development is documented, by scientists qualified to address the particular environmental conditions involved, to contain not less than 20% of its total land area in critical areas that must be excluded from development under provisions of the City of Sultan Critical Areas Regulations (SMC 16.80) and any other applicable environmental codes.
  - 2. The property proposed for development shall not be a portion of the developer's property that is configured in a way that artificially creates a 20% or greater portion of critical areas so that the development can qualify for Lot Averaging.
  - 3. The City will make an Administrative Determination that disallows application for Lot Averaging in cases where the Staff can make findings that the proposed development boundary has been artificially manipulated to create a development that purports to qualify for Lot Averaging. This Administrative Determination will be appealable to the Hearing Examiner under provisions of SMC 2.26 and other applicable provisions.

**16.14.030 Limitations on Implementation of Lot Averaging**

- A. Lot Averaging only applies to creation of lots for detached single-family residences.
- B. Lot Averaging shall not be used to create lots for duplexes or multi-family dwellings.
- C. No single-family lot shall be reduced to less than 70% of the minimum single-family lot size required in the applicable Zone.
- D. No single family lot shall be reduced in width to less than 40-feet.
- E. No single family lot shall be reduced in depth to less than 70-feet.
- F. All of the following are deleted from the Net Square Footage of a lot for the purpose of determining the area of a lot proposed for Lot Averaging;
  - 4. Public Right-of-Way
  - 5. Private roads, private primary access easement.
  - 6. Minor portion (panhandle) of panhandle lots.
  - 7. Front (between dwelling and street or easement access) portion of a tapered or triangular-shaped lot that is less than 40-feet in width.
- G. The area of easements other than that of the primary access (public right-of-way or private easement) shall not be subtracted from the Net Square Footage of a lot.
- H. This Section shall not be implemented in conjunction with any provisions of this Code that allow density credits for set-asides of critical areas or environmentally sensitive areas.
- I. This Section shall not be applied to properties of less than 2-acres.
- J. Subdivisions utilizing Lot Averaging shall not receive Preliminary or Final Approval as phased developments unless each phase meets the Lot Averaging standards for the Total Land Area included in that phase.

**16.14.040 Lot Averaging Calculation**

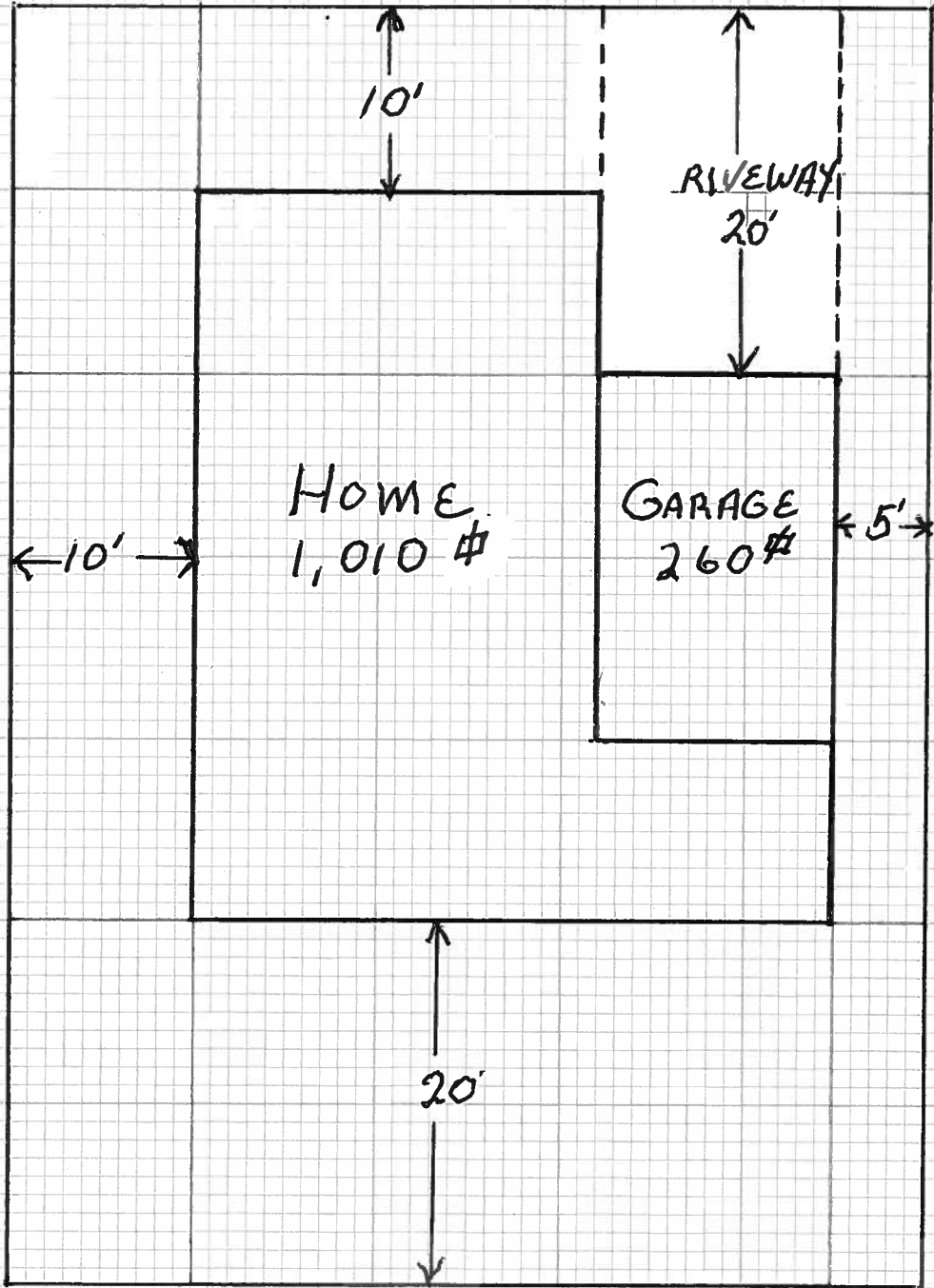
- A The following calculation shall be used to determine the maximum number of lots available on a given property:
  - 1. The following factors are used in the calculation
    - a. Total Land Area of subject development property (TLA)
    - b. Minimum Lot Size required in applicable zone (MLS)
    - c. Public R-O-W or Private Access Easement (ROW)
    - d. Storm Water Detention Facilities (SDF)
    - e. Net Developable Area (NDA)
    - f. Net Number of Potential Lots (NPL)
  - 2. The following equations determine the maximum number of lots available on a parcel proposed for lot averaging:
    - a.  $TLA - (ROW + SDF) = NDA$
    - b.  $NDA \div MLS = NPL$

B. The Lot Averaging calculation determines the maximum number of lots available. No development is guaranteed the maximum number of lots available by this calculation. The actual number of lots shall not exceed but may be fewer than the Net Lots Available (NLA) due to circumstances of the particular property. Properties with extensive critical area exclusions will not be able to achieve the density provided by the allowed minimum lot size in the applicable Zone as the lot size required to meet the Zoned Density would be smaller than the 70% reduction provided by this Chapter.

**16.14.050 Development Standards in Lot Averaging Subdivisions**

- A. Park facilities required for subdivisions by the Sultan Municipal Code in general, and specifically SMC Chapter 16.72, are required in developments without regard to their implementation of Lot Averaging Standards of this Chapter.
- B. Road standards required for development of subdivisions by the Sultan Municipal Code in general and specifically SMC Chapter 16.28.230, are required in developments without regard to their implementation of Lot Averaging Standards of this Chapter.
- C. All standard Utility requirements for subdivisions by the Sultan Municipal Code in general and SMC Chapter 16.28 are required in developments without regard to their implementation of Lot Averaging Standards of this Chapter.
- D. All standards for lot layout, setbacks, access, easements, and any other development standard for individual lots required for subdivisions by the Sultan Municipal Code in general and specifically SMC Chapter 16.28, are required in developments without regard to their implementation of Lot Averaging Standards of this Chapter.
- E. Modification of specific Development Standards as provided by SMC Chapter 16.28.240 may be applied for and reviewed by the Hearing Examiner, but the fact that the development is proposing to implement Lot Averaging may not be used as a criteria or defense for proposing the modification.

- F. The Hearing Examiner shall not modify the average density provisions of this Chapter and shall not modify the minimum lot size reduction authorized by this Chapter below the standard of a 70% reduction provided in 16.14.030 C. above.



**3,500 sq.ft. Lot with Standard Setbacks in High Density Zone.**

**Agenda Item D-4  
Attachment B**