



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/6/2016

REGULAR ITEM #: 15

MOTION

AGENDA ITEM: OP-Open Space Preservation Ordinance Amendment

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Ben Gozola, Consulting Senior Planner

SUMMARY AND ACTION REQUESTED:

On November 4, 2015, the City Council passed a motion, 3-1, to have the Planning Commission consider amending the OP – Opens Space Preservation Ordinance. On November 9, 2015 the Planning Commission met to discuss the proposed amendment. On January 5, 2016, the Council discussed the Planning Commission's comments and gave direction to Staff in its preparation of an ordinance amendment. Ben Gozola then prepared an ordinance which was presented to and discussed by the Planning Commission on April 11, 2016 and May 10, 2016. A public hearing was held on July 25, 2016 at the Planning Commission, after which the Planning Commission recommended approval of the amendment on August 22, 2016.

Staff and the Planning Commission recommend the City Council approve Ordinance 08-152 and Resolution 2016-75 for summary publication of the ordinance.

HISTORY:

On November 4, 2015, the City Council briefly discussed several issues related to the OP – Open Space Preservation District and requested that the Planning Commission discuss:

- Overall Purpose of the OP District – Review the overall purpose.
- Density – should density be increased?
- Density calculation – Should the density calculations be based buildable or gross land area.
- Buffer zones – what buffer or buffers are appropriate (maintain 200' around RR, but no buffers against adjacent OP's).
- Septic system options.
- Minimum lot size.
- Qualifying property size, i.e. 20 acres vs. 40 acre minimum.
- Lot Design.

On November 9, 2015, the Planning Commission recommended the following:

- No community septic systems.
- 1 acre minimum lot sizes.

- Allow the 50% open space requirement to be based on gross acres, rather than buildable acres.
- Remove lot design criteria (not enforceable).
- Density 18 units per 40 gross acres of buildable land.
- Buffer: supportive of waiving the buffer between OP developments, if potential for OP, then 100' buffer, and potential for berms and trees to buffer in lieu of 100' buffer might be acceptable.
- Remove 4/5th vote to waive requirements to allow more flexibility.

In addition to the Planning Commission comments, staff identified additional issues with the ordinance amendment:

- Remove redundancies between OP Ord platting requirements and regular subdivision platting requirements.
- Restructure OP Ordinance as a PUD with Overlay Zoning rather than a CUP process.
- Hardcover regulations may need to be updated, depending on the changes.
- Street minimum standards.

On January 5, 2016 City Council gave direction to Staff in preparation of the ordinance update. Ben Gozola then prepared the ordinance which was presented to and discussed by the Planning Commission on April 11, 2016 and May 10, 2016. A public hearing was held on July 25, 2016 at the Planning Commission, after which the Planning Commission recommended approval of the amendment on August 22, 2016.

PLANNING COMMISSION/PUBLIC HEARING:

At the public hearing held on July 25, 2016, no public comments were received and no member of the public spoke for or against the proposed ordinance. The Planning Commission discussed the draft and made a few text changes, then requested Staff bring back a clean copy for recommendation to the City Council at the next meeting.

SUMMARY AND ACTION REQUESTED:

Staff and the Planning Commission recommend: 1) approval of Ordinance 08-152 repealing the existing open space development regulations within chapter 150, and adopting new open space planned unit development regulations in chapter 154 that establishes of an OP – Open Space Overlay District in addition to organizational/numbering changes throughout Chapter 154 to accommodate the new ordinance; and 2) Approval of Resolution 2016-75 ordering the summary publication of the OP – Open Space Ordinance update with the following recommended motion:

“Move to approve Ordinance 08-152 repealing the existing open space development regulations within chapter 150, and adopting new open space planned unit development regulations in chapter 154 that establishes of an OP – Open Space Overlay District in addition to organizational/numbering changes throughout Chapter 154 to accommodate the new ordinance, and Resolution 2016-75 ordering the summary publication of the ordinance”

ATTACHMENT(S):

- July 25, 2016 Planning Commission Minutes
- Planning Commission Packet - 8/22/16
- Ordinance 08-152 Updating the OP Regulations
- Resolution 2016-75 for Summary Publication of the Ordinance