

ITEM #:	<u>50</u>
DATE:	<u>06-25-24</u>
DEPT:	<u>PW</u>

COUNCIL ACTION FORM

SUBJECT: FOLLOW UP ON SCOPE OF STORM WATER MODELING FOR
CONSERVATION SUBDIVISION ORDINANCE CHANGES

BACKGROUND:

On March 26, City Council reviewed a staff report addressing the AEDC Short-term Housing Taskforce's requests to consider flexibility with development standards for encouraging housing construction. One area of discussion was how the standards of the Conservation Subdivision that relate to Ada Hayden Watershed affect development density and if changes could be made while protecting Ada Hayden water quality. The report included a review of the history of the ordinance and the pertinent standards. Staff believed some of the standards could be modified to some degree and that potential impacts to runoff and water quality could also be evaluated to gauge the relative difference between the current ordinance and any changes. Staff also noted the state had recently adopted SF 455 which would result in some mandatory changes to our current stormwater management ordinance and reduce some of the water rate and volume treatment requirements independent of any Conservation Subdivision changes. The original March 26th staff report and discussion of the [six conservation standards identified by AEDC are available online at this link.](#)

City Council directed staff on March 26th to proceed with evaluating changes to the ordinance as discussed in the report. City Council asked for staff to complete two tasks before proposing changes to the Chapter 23 Conservation Subdivision ordinance. The first was to prepare a scope of work for a consultant to evaluate changes to development standards quantitatively. The second task was to reach out to the developers of Auburn Trail and the Hayden's Preserve subdivisions, respectively, to discuss their specific interest about changes to the standards. Additionally, City Council asked staff to reach out to the Friends of Ada Hayden to identify to them what changes are being contemplated and identify what concerns they may have.

STORMWATER EVALUATION SCOPE OF SERVICES:

Staff reached out to Greg Pierce, P.E., of RDG as a stormwater expert to discuss the needs for assessing changes to the standards. Mr. Pierce had worked extensively on the recently adopted SF 455 changes and estimating the effect of these changes. A range of options was discussed with the consultant to compare natural conditions, developed conditions, SF 455 changes, and conservation standards changes. This type of evaluation would be made at the watershed level for the Ada Hayden Watershed (see Attachment A for map) and take into account current developments and previous preliminary plans for the Auburn Trail and Hayden's Preserve developments. Information on runoff volumes, rates, and storage volumes under each scenario would be provided in a report for both the watershed and the Auburn Trail and Hayden's Preserve developments.

Staff believes that if City Council desires to have a consultant evaluate changes to the watershed and the specific projects, the following three scenarios are needed for comparative purposes.

- a baseline scenario of existing conditions of the Ada Hayden Watershed, including the previously developed Quarry Estates and Hayden's Crossing sites located east of Hyde Avenue.

- an evaluation of the impacts of developing Auburn Trail and Hayden's Preserve related to only the changes required by SF 455.
- an evaluation adding on the additional changes to the conservation standards, specifically with a reduction of the 25% open space set-aside to 10% and the elimination of the mandatory 80% of lots along open space requirement.

Staff believes that focusing on the lot and open space percentage are the most tangible changes related to the layout standards that could impact development density and stormwater treatment measures. Staff emphasized that a treatment train approach to stormwater management would be needed regardless of the specific lot and coverage standards.

Mr. Pierce indicated that completing the three tasks would cost approximately \$14,500 and they could begin in August and complete the work in October. If City Council desires for this type of analysis to be completed, staff would work with the consultant to finalize and approve a scope of work. Funding would come from the Stormwater Fund available balance.

OUTREACH SUMMARY:

Auburn Trail

Staff had an opportunity in April to discuss the Auburn Trail subdivision with representatives of the Hunziker Companies and their design engineer. The developer was clear that they had a strong desire to increase the number of lots within Auburn Trail by 20% from the currently estimated 160 standard lots. Staff discussed the March 26th staff report and reviewed the prior layout to understand what changes may be beneficial and how the layout could conceivably change while still address site constraints.

Auburn Trail representatives indicated that they no longer believe the wetlands on their site or grassed waterways are jurisdictional and wanted clarification on what hydrologic resources would be required to be protected with the U.S. Supreme Court's recent ruling changing the definition of "Waters of the United States" (WOTUS) as administered by the Army Corps of Engineers. Staff advised that to ensure that the wetlands are not jurisdiction that they should immediately contact the Corps for a determination. Staff also indicated that while the ordinance refers to wetlands and waterways in general, staff supported that the mandatory protections were only applied to jurisdictional wetlands and that the remaining areas would be evaluated as part of the overall design of the subdivision.

To increase density, Auburn Trail representatives also emphasized that the 25% minimum set aside for conservation area and open space requirements may be unnecessary. Staff reviewed the intent of both the 10% usable open space requirement of zoning and the 25% set-aside conservation requirement. Providing stormwater management meeting the City's requirements and open space areas for identified natural resources creates significant open space beyond the 10% required in typical subdivisions. The 80% of lots along open space was also discussed and how in prior subdivisions it was at times effectively used and with others it was an afterthought to comply with a standard and not effectively used within the subdivision design. The discussion concluded with the intent to evaluate changing both of these standards to see how they impacted layout and stormwater design requirements.

There was also an in-depth discussion about the requirement to limit mass grading within a Conservation Subdivision and its intent. Limiting mass grading typically reduces land disturbance and thus compaction, benefiting stormwater runoff, however, in a conservation subdivision it can also be limited to maintain natural drainage patterns. Auburn Trail representatives felt that mass grading was allowed with their final grading plan as while the majority of the subdivision was proposed to be

graded, however it did not significantly change the final elevations averaged across the site. The issue of mass grading and how it is applied has not been resolved as it is intertwined with other issues of stormwater design and the determination of protected natural resources.

Hayden's Preserve

Staff also discussed Hayden's Preserve with Casey Schafbuch of the ATI Group. The developer indicated that their site is different than Auburn Trail due to obligations of the pre-annexation development agreement and the presence of the existing stream that flows through the site with regulation of it as a WOTUS. They believed the general layout of their site where natural resources are located would always be protected with their stormwater management plans. They are also considering creating a centralized stream mitigation credit bank on the site. **While they too would like to increase some density on the site and would like to have more versatility for street arrangements, the developer emphasized their bigger issues are the development agreement requirements related to overall infrastructure construction timing and costs that they must bear to develop the site.** These issues along with an updated zoning and subdivision master plan would be needed for them to proceed with development.

Both developers:

- Noted that the requirement that 80% of lots abut a conservation area or open space was difficult to design for and that the open space created to meet this requirement often does not serve a stormwater conveyance or resource protection purpose.
- Asked for better definition of what constituted useable open space in their meetings. (The FS-RL and FS-RM base zones require that 10% of a subdivision be dedicated as common open space. This space is to be available for passive or active recreation. In Conservation Subdivisions, this means that of the 25% open space provided, 10% must be useable.) The developers wanted clarification on what elements made an open space useable—trails, recreation improvements, etc. and how much common open space could be green space to count as useable.
- Indicated that the use of cul-de-sacs and longer block lengths would assist in the design of conservation developments. This is mainly due to the conflicts between these requirements for interconnected streets and other Conservation Subdivision standards for open space preservation.
- Shared that not allowing lots direct access onto collector streets hindered the number of useable acres and design options.

One of the initial requests in the AEDC letter was to allow open ditch (rural cross-section) road design instead of curb and gutter. **Staff had indicated that they would not recommend these changes at the March 26 City Council meeting and relayed this to the development representatives in the meetings. The developers indicated that this was suggested as open ditches provide open conveyance for stormwater and thus greater infiltration and lower runoff rates. This issue is no longer being evaluated by Public Works staff as was discussed in the March 26th report.**

Friends of Ada Hayden

The Friends of Ada Hayden had three representees meet with staff to learn about City Council's direction to staff. **The discussion emphasized how increased impervious area in the watershed was a concern and that the ordinance was crafted to minimize impervious area and density to ensure the storm water measures would perform as well as possible to protect Ada Hayden's water quality. They value open space for various reasons. However, in terms of water quality, they also understood development under stormwater management regulations will result in water quality improvements from the current agricultural practices on the properties. The previous work planning for new wetlands in Hayden's Preserve was mentioned as a model of quality integration of best management practices into a development.**

The group is interested in the results of the consultant's modeling showing the impacts of the amendments on runoff volumes and rates, specifically as they relate to water quality and the stream that runs through the Hayden's Preserve development and connects to Ada Hayden. Impacts are anticipated due to the increases in density these amendments may cause along with some of the limitations of recently adopted SF 455. The group questioned if phosphorus and nitrogen levels would be part of any modeling, staff indicated that is not anticipated, it would primarily be a volume-based assessment.

ALTERNATIVES:

1. Direct staff to finalize a scope of work for stormwater analysis of three scenarios.
2. Decline to pursue the stormwater analysis described above.
3. Take no action and direct staff to provide additional information as needed.

CITY MANAGER'S RECOMMENDED ACTION:

From staff's preliminary discussions it appears that some changes can be made to the ordinance and achieve the general intent of the Conservation Ordinance as it was originally envisioned. Eliminating the prescriptive requirements can add flexibility to design, but the final language will need to include design objectives for a development that will be evaluated on a case-by-case basis. **Changes will, to varying degrees, benefit Auburn Trail, Hayden's Preserve, and future development at the Borgmeyer farm, but it is not yet known what changes would mean quantitatively for the development density or for storm water runoff. The option of hiring a consultant would provide a comparative evaluation for the water shed and the two specific projects of Auburn Trail and Hayden's Preserve. Although there is minor cost to the work and it will delay a decision until this fall, the analysis could prove to be valuable for shaping final language as changes to the Conservation Subdivision ordinance.** Therefore, it is the recommendation of the City Manager that the City Council approve Alternative 1.

ATTACHMENT(S):

[Attachment A - Map.pdf](#)