

MEETING DATE:	DECEMBER 19, 2017
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

**AGENDA ITEM SUMMARY REPORT**  
**An Ordinance Adopting Residential Infill Subdivision Standards**  
**Ordinance 2017-25, 2<sup>nd</sup> Reading**

**ACTION:**

Consider Ordinance 2017-25, as amended, to adopt a new chapter in the City Subdivision Ordinance, known as "Residential Infill Subdivision Standards".

**BACKGROUND:**

This staff report has been prepared specifically for the 2<sup>nd</sup> Reading of the proposed ordinance. For a general summary of the proposed ordinance, please see the Agenda Summary for the December 5, 2017 meeting.

At first reading of this ordinance a motion was made and approved to amend the proposed ordinance to specify that only the first 25 feet of the access drive would need to be hard surfaced (paved), and that the balance of the access drive could be gravel. That amendment is reflected in the attached version of the ordinance. The argument for the change was effectively that if it is good enough for the City's commercial areas, then it would be appropriate for the City's residential areas. The City requires only the first 25 feet of a commercial driveway to be paved (and only if it connects to an arterial or major collector).

Staff believes that the comparison between the commercial and residential areas is not as comparable as presented. Almost without exception, people sleep and wish to relax in residential areas. In this sense, residential areas are entirely different environments from commercial areas, and therefore the expectations and requirements associated with each area can arguably be different.

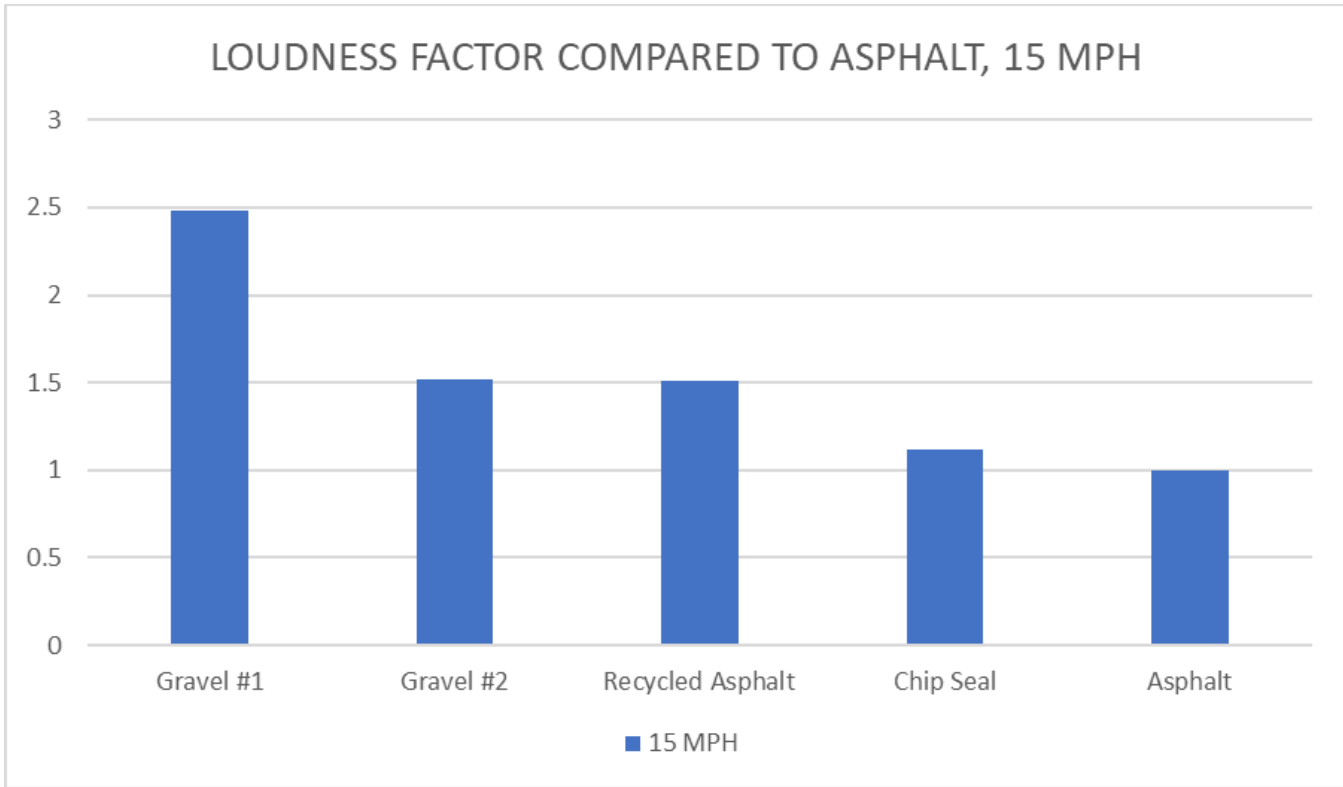
The following additional information is presented with the intent of helping Council to make a decision with the best available information pertaining to the impacts of different driving surfaces in residential infill subdivisions on neighboring properties. Due to what has been identified, staff is recommending that the Council reconsider the amendment to the proposed ordinance that allows the use of gravel.

**Sound:**

One of the primary impacts to enjoyment of a residential area is noise (unwanted sound). One of staffs' concerns in developing the proposed ordinance was undesirable impacts of vehicle noise on the occupants of neighboring homes. As proposed, these access drives could easily be just ten feet from a neighbor's home and five feet from an existing home on the property. As asphalt is generally thought to be quieter than gravel, and because all other similar ordinances that staff found required asphalt, staff and the P&Z Board went with pavement as the standard. Now that the need for pavement has been questioned, we went back to look more closely at the issue.

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To help determine potential noise impacts, staff conducted a sound study of different driving surfaces. The report is attached and should be reviewed to understand the complete picture. The following table sets forth one of the primary conclusions—that gravel surfacing can be 1 ½ to 2 ½ times as loud as asphalt.



One of the primary purposes of land use regulation is the avoidance and/or mitigation of significant impacts to adjoining properties—effectively preventing actions of one land owner from significantly damaging the rights of another land owner to enjoy his/her property. Staff believes that the type and level of sound from as many as five dwellings using a gravel access in close proximity to the home of a neighboring property owner would be a significant impact to the property rights of that adjoining property owner. To protect the property rights of a neighbor is a legitimate use of the law. As such, mitigation should be considered to either avoid the impact or reduce it to an acceptable level.

In brief, the preferred method to mitigate the impact of noise, as well as dust, is to have an asphalt driving surface. Public Works has estimated the costs for construction of the access drives and utilities for three scenarios: First, what is currently required. Second, as originally recommended for the ordinance under consideration (paved lanes); and third, if gravel access is allowed. For comparison purposes, a 100-foot length of each type of access drive was used. Utility costs were also included to also allow comparison of other components of the infill proposal.

In the following comparison table, “Current Requirement” assumes a Planned Unit Development situation because of the few lots involved, with a 24-foot wide paved roadway, plus curb, gutter, sidewalk on one side, and city utility mains.

	Current Requirement	18' Paved Lane Option	12' Paved Lane Option	18' Gravel Lane Option	12' Gravel Lane Option
Estimated Cost for 100' of Road and Utilities	\$37,129.50	\$5,906.46	\$4,182.08	\$3,133.33	\$2,333.33
Asphalt Cost per 100' (Portion of amount above.)	\$3,697.50	\$2,773.13	\$1,848.75	N/A	N/A

For a 100-foot long segment of access drive, the additional cost for asphalt is approximately \$1,848 for a 12-foot wide surface, and \$2,773 for an 18-foot wide surface. In context of lot development costs, staff believes use of asphalt to be a cost-effective mitigation technique, representing approximately 1-2% of the total development cost of creating a lot and building a home.

The Planning and Zoning Board was updated on the status of the ordinance and the change to gravel surfacing at their December 12, 2017 meeting. Staff asked for their opinion and among other things wanted to know if their recommendation for pavement was simply because that is how staff originally proposed it, or otherwise. The Board confirmed that their recommendation is for pavement, due to the environment in which it is located.

**PROCEDURE:**

Since the amendment to the proposed ordinance was approved last meeting, the attached version contains that change. If Council wishes to keep that amendment, the ordinance needs a few additional coordinative amendments, which staff has taken the liberty to make in the attached version.

In addition, staff has made a clarification to the frontage requirement—that when a turnaround is not installed, the last lot does not need more frontage than provided by the access easement. If the clarification is acceptable, it will need to be authorized by the Council.

All changes are indicted by the red underline and strike-through format of the “track changes” feature.

The Public Hearing for this ordinance is scheduled to occur at the December 19, 2017 meeting.

Preparation of the residential infill subdivision ordinance included participation from Public Works, Community Development, and Electric Division staff, as well as the Fire Marshal. Prior to and during the Planning and Zoning Board process, staff sent emails to each of the local engineering and surveying firms asking for feedback/comments. A few supportive general comments were made, yet no technical modifications to the proposal were suggested. In addition, the proposal was presented at the November 16, 2017 Realtor’s luncheon. Again a few supportive general comments were made, and no technical modifications suggested. Notice of the City Council hearing included an invitation to comment at the November 28, 2017 Planning and Zoning Board meeting, but no public comments were presented. Articles in the Cody Enterprise on October 25 and November 22, 2017 have not generated any formal comments.

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Other Miscellaneous comments:

The staff report relies primarily on mitigation of noise and dust as reasoning for the asphalt requirement. I don't want to distract from that point. However, there may also be an argument for asphalt based on property value impacts that would likely result from use of gravel. This is a more nebulous or subjective topic, and therefore more open for dispute. So, in an attempt to simply point out the issue, how do you think the access drives in these two photos affect the character of the neighborhood and therefore the value of neighboring properties? If a property were available for development next to each access drive, how would each situation affect the likelihood of investment and development of the adjacent property?



**FISCAL IMPACT**

No direct impact to the city budget is expected. Conceptually, in the long term, additional housing provided on the residential infill lots would increase the property tax base without adding additional public infrastructure.

**ALTERNATIVES**

Approve, deny, or amend Ordinance 2017-25, as amended.

**RECOMMENDATION**

The Planning and Zoning Board recommends approval of Ordinance 2017-25, with the paving requirement as originally drafted.

**ATTACHMENTS**

“Sound Level Test of Road Surfaces” document  
Spreadsheet of development costs, per 100’ length.  
Ordinance 2017-25, as amended.

**AGENDA & SUMMARY REPORT TO:**

N/A

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