

**EXECUTIVE RECOMMENDED
AMENDMENT SHEET
ORDINANCE NO. 20-005**

Amendment Name: Inclusion of Private Roads in Lot Size Averaging Calculation

Brief Description: This amendment includes private roads in easements and tracts in the lot size averaging calculation methodology.

Affected Code Sections: SCC 30.23.210

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Page 5, Lines 9 and 10, delete:

- d. Clarify that dedicated right-of-way may count toward lot size averaging calculations, consistent with Motion No. 07-327;

Insert:

- d. Clarify that area to be dedicated, deeded, or established as right-of-way may count toward lot size averaging calculations, consistent with Council Motion No. 07-327. SCC 30.23.210 presently states that “Roadways shall not count toward the calculations for lot size averaging.” In 2007, “roadway” was not a defined term in the County Code and the County Council, in acting on a closed record appeal of the Hearing Examiner’s conditional approval of a preliminary plat in Motion No. 07-237, found that “roadway” in SCC 30.23.210 was intended to have the same meaning as “road,” not “right-of-way.” The Council concluded that right-of-way could be included within lot size averaging calculations described in SCC 30.23.210;

Page 7, Lines 13 and 14, delete:

- (iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC; and
- (v) Surface detention/retention facilities meeting the standards of subsection (6) of this section.

Insert:

- (iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC;
- (v) Areas designated as private roads under SCC 30.91R.230; and
- (vi) Surface detention/retention facilities meeting the standards of subsection (6) of this section.

1 **New Ordinance Recitals, Findings, Conclusions or Sections to Add**

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3 Page 2, insert at Line 32:

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5 WHEREAS, subsequent to the Planning Commission recommendation, additional
6 amendments were included in this ordinance to include private roads in easements and tracts, as
7 (1) the proposed amendments considered during the Planning Commission’s public hearing
8 included public right-of-way dedications in lot size averaging calculations, (2) under existing
9 County Code private roads within easements are a part of a development’s lot area and may be
10 included in lot size averaging calculations, and (3) it is logical to treat private roads within tracts
11 in the same manner as private roads within easements; and

12
13 Page 5, Line 12, insert, and renumber the subsequent paragraphs:

- 14
15 e. Clarify that private roads within easements or tracts may count toward lot size
16 averaging calculations. In current practice, if a private road is proposed or exists within
17 a proposed or existing easement located across a development’s proposed lots, the
18 portion of the private road and easement that enters the proposed lot is included as a
19 part of that lot’s area. Lot area is defined within SCC 30.91L.130 as “the total horizontal
20 area within the lot lines of a lot.” As a result, the square footage of the private road and
21 easement can be included as lot area within a lot size averaging calculation. Under
22 SCC 30.91R.230, a private road can be located within an easement or tract. However,
23 regardless of whether the applicant selects an easement or tract, the private road
24 construction requirements will be the same. Therefore, since private roads within
25 easements may be included in the lot size averaging calculation, private roads within
26 tracts should be included as well;

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28
29 **Council Disposition:** _____ **Date:** _____