

Development Regulation Updates - Phase Two Topics

Overview

The development regulations within the Sammamish Municipal Code (SMC) were first adopted upon the City's incorporation in 1999. As adopted, the original rules largely mirrored those of King County. Since adoption, over the past twenty years, there have been many independent changes made to different sections of the code by different parties with a different purpose. This project is the first effort to comprehensively unify those changes and the various code chapters that constitute the City's development rules. It is also an opportunity to improve the overall quality of development in Sammamish to better reflect community values and priorities including environmental sustainability and livability.

The project includes two parts with the first to update specific sections of the development regulations followed by the creation of a unified development code that consolidates existing code sections. This document is a summary of the topics that will be addressed with updates to specific code sections. The list has been formed with input from City staff and a Community Advisory Group assembled for this project and through consultation with the Planning Commission and City Council in the fall of 2020.

Primary Phase Two Code Update Topics

The code update topics have been organized into eight categories identified below for consistency and clarity. The more detailed table that follows including specific problem statements, code references, intended outcomes, and potential solutions.

1. **CEP: Code Enforcement + Penalties**
 - a. Fines
 - b. Stop work orders
 - c. Site monitoring
2. **RND: Residential Neighborhood Design**
 - a. Subdivision standards
 - b. Planned Unit Development (PUD)
 - c. Incentives
 - d. Clearing and grading
 - e. Arterial Street Frontages
 - f. Streets (public + private)
3. **NF: Protection and Integration of Natural Features**
 - a. Tree protection
 - b. Steep slopes

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- c. Wetlands and buffers
- d. Aquifer recharge and protection of groundwater (Water District)
- e. Low impact development
- 4. **NRU: Standards for Non-residential uses in Residential Zones**
 - a. School Development (May shift to Phase III)
- 5. **ICD: Infrastructure Coordination + Design**
 - a. Sewer and Septic
 - b. Water
 - c. Streets (public + private)
- 6. **SF: Single-Family Site + Building Design**
 - a. Building height, bulk, and scale
 - b. Access, parking, and landscaping
 - c. Build on work from Phase One
 - d. BuiltGreen
- 7. **CM: Construction Management**
 - a. Construction plan
 - b. Site management
 - c. Staging
 - d. Restoration of infrastructure
- 8. **COA: Code Organization + Administration**
 - a. Visual elements and graphics
 - b. Flexibility
 - c. Definitions
 - d. Consistency + clarity

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Problem Statements

#	PROBLEM STATEMENT	CODE SECTIONS	INTENDED OUTCOMES	SOLUTIONS	TOPIC
1	Definitions do not cover all terms referenced in the City's code, which can make harder to understand and require more interpretation.	21A.15	All terms should be easily understood based on the code's definitions section.	<ol style="list-style-type: none"> 1. Define all terms referenced in code, but not in the definitions section, and ensure existing definitions are clear. 2. Resolve conflicting definitions in other code sections, such as "wet season" and "dry season" in Title 16. 	COA
2	Existing use and development standard tables and calculations are confusing and require extensive cross-referencing both for potential developers and City staff.	21A.20; 21A.30	Clear, understandable, and concise uses and development standards that are easy to navigate and requires minimal notes and cross-references.	<ol style="list-style-type: none"> 1. Remove unnecessary notes and consolidate notes where possible, and separate districts or development types as necessary to simplify use and development standards tables. 2. Simplify density and site area calculations. 3. Create clear bonuses that affect density itself rather than the calculation of density or site area, and limit the number of bonuses throughout the code, and consolidate them in one or two locations. 4. State all numerical requirements in the simplest way possible (e.g. 9 or more rather than more than 8). 	COA

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3	Infrastructure has not kept pace with growth, particularly around older subdivisions.	21A.60; 21A.30; 21A.40	New infill development should be served by sewer in all urban residential districts, new parking should be maneuverable, and new subdivisions should integrate some measure of on-site stormwater retention, and treatment.	<ol style="list-style-type: none"> 1. Require new infill development and remodels that exceed 50% of assessed value to connect to public sewer where cost or other impeding factors do not make it prohibitive. 2. Require on-site stormwater management for all new development, even outside of Critical Aquifer Recharge Areas and where drainage review thresholds are not met. 3. Offer guidance and incentives for more varied green stormwater infrastructure (GSI), so that properties are less reliant on retention and detention ponds, and standards for these ponds create more usable open space with these waterbodies if they are considered recreational. 4. Include maneuvering requirements for parking spaces. 	ICD

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4	New subdivisions do not fit the wooded rural character of Sammamish, and do not use landscaping effectively to create a good fit with the surrounding neighborhood and give residents a sense of privacy.	21A.35; 21A.37	Landscaping and tree retention should help create a good fit between new subdivisions and established neighborhoods and natural areas with plantings that are varied, feel natural and are adapted to the regional microclimate.	<ol style="list-style-type: none"> 1. Require a minimum perimeter along arterial streets in addition to required setbacks in which retention of existing vegetation is encouraged. 2. Prioritize heritage and landmark trees in the City's tree retention ordinance and trees that are publicly visible, particularly from nearby streets and public spaces. 3. Consider an arborist report for landmark trees as part of subdivision applications. 4. Require retention of significant trees and stands of trees distributed throughout subdivision sites and include design guidance on how to integrate landmark trees and natural woodland as a feature of new development. 5. Require financial guarantees for tree protection. 6. Include PUD and LID standards that incentivize conservation through design for subdivisions that go beyond core subdivision criteria. 7. Incorporate tree vigor requirements for retained and protected trees. 	RND/NF

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#	PROBLEM STATEMENT	CODE SECTIONS	INTENDED OUTCOMES	SOLUTIONS	TOPIC
5	New subdivisions do not work with natural topography, vegetation, and drainage, creating a stark visual impact along public streets and challenges for stormwater management and treatment.	21A.25; 21A.30; 16.15.90	New development should be designed to retain and work with natural topography and drainage on the site, and minimize soil disturbance and excavation.	<ol style="list-style-type: none"> 1. Permanently codify the interim prohibition on mass grading and a measurement of height from existing grade. 2. Minimize the length of new streets and ensure that they follow the contours of natural topography. 3. Cluster building sites and orient buildings parallel to the contours of natural topography on steep slopes unless other design solutions would result in less cut and fill. 4. Step buildings down slopes and avoid retaining walls except where necessary to support buildings and roads. 5. Restrict grading around the perimeter of subdivision sites, and along property lines to create more gradual changes in slope between properties. 6. Refine and limit exemptions on grading restrictions. 7. Require financial guarantees for erosion control and clearing limits. 8. Include PUD standards that incentivize design excellence for subdivisions that go beyond core subdivision criteria. 	RND/ NF

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6	New development often does not provide an adequate buffer from arterial streets, with inconsistent landscaping, fences and retaining walls that dominate the street frontage.	21A35; 21A.30	New development should have a well-landscaped frontage along arterial streets to buffer homes from traffic noise, provide a sense of privacy and soften the visual impacts of new subdivisions from the street.	<ol style="list-style-type: none"> 1. Require a minimum landscape buffer along arterial streets in addition to required setbacks in which retention of existing vegetation is encouraged. 2. Lower the combined height of fences and retaining walls or rockeries and require step backs with planted area between multiple rockeries or retaining walls and between a retaining wall, rockery, or berm and fencing. 3. Require plantings between fences in the setback area and improved street rights-of-way. 	RND/ NF
7	There are no fundamental criteria for the design of subdivisions in the Development Code that would establish a baseline standard for new subdivision development.	21A.30	The City code should provide design criteria for subdivisions that include guidance for site design and layout of roads that provides for more consistency in new development and connections to the surrounding neighborhood.	<ol style="list-style-type: none"> 1. Develop a set of standards for new subdivisions that offers consistency in site design, street layout, and connections to surrounding lots. 2. Create specific design guidance for new non-arterial streets that allow for flexibility in street configuration with the potential for pockets of parking and/or landscape areas. 	RND
8	Schools, most of which are in residential zones, are required to adhere to the same standards as single-family homes, although they are a different building type and use.	21A.20	Schools should follow standards that allow them to meet their programmatic needs, while creating a harmonious transition with surrounding homes and neighborhoods.	<ol style="list-style-type: none"> 1. Create standards for permitted nonresidential uses in residential districts, and educational and religious institutions in particular that allow these uses to meet basic needs on-site and mitigate potential impacts on adjoining residential properties. 	NRU

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9	Non-arterial streets in new subdivisions have on-street parking areas that are often underutilized and creates the perception of excess width. Intersections also have inconsistent treatments at intersections.	21A.30 - Street Design Guidance only offered through Public Space Standards; 21A.30.130	Ensure new streets are safe and comfortable for all users and reflect the wooded character of streets in Sammamish's established neighborhoods and reduce impervious cover and soil disturbance from new roadways where possible.	<ol style="list-style-type: none"> 1. Create specific design guidance for new non-arterial streets that allow for flexibility in street configuration with the potential for pockets of parking and/or landscape areas. 2. Develop specific intersection design criteria for non-arterial streets that consider effective turning radii (including planned on-street parking) and create safer pedestrian crossings. 	RND
10	Reasonable use exceptions should be better defined as they have resulted in excessively large homes in critical areas and buffers.	21A.50	Reasonable use exceptions should minimize the impact of development on critical areas with smaller building footprints, and minimal soil disturbance.	<ol style="list-style-type: none"> 1. Create flexibility in development standards for infill development on properties that are affected by critical areas with reduced setbacks and flexibility in other provisions for properties significantly impacted by critical areas. 	COACEP

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11	There are no baseline Low Impact Development standards, and existing standards should have clear incentives that are coordinated with future PUD standards.	21A.85	Low impact development standards should be integrated into baseline requirements for new development with effective incentives that encourage the application of LID design principles that go beyond these basic criteria.	<ol style="list-style-type: none"> 1. Establish baseline standards for LID. 2. Incentives should be reviewed with developers to ensure they find incentives valuable enough to consider LID. 3. Use a direct bonus rather than a calculation that includes roadways or critical area to simplify incentives. 4. Consider including portions of critical areas in density calculations to encourage preservation of these areas throughout the City, rather than using them exclusively as an LID bonus. 5. Fold LID standards and bonuses into the PUD standards for one streamlined bonus system. 6. Require subdivision application when a wetland is on subject property in 19A.24.020(4)(h) 	NF/ RND

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12	Administrative process and requirements are not clear and specific, with general requirements for application materials that don't provide the necessary information to review projects, and the process for permitting timeframes defined in different locations.	20.05; 16.20	Clear application requirements and consistent application materials for a range projects and a defined process for permitting timeframes in one location.	<ol style="list-style-type: none"> 1. Create a more specific set of application requirements for different conditions and project types that gives staff more of the necessary information to review projects. 2. Improve survey standards and include a grid system. 3. Give the director more discretion to request additional materials and information or specifications on any submitted plans. 4. Consider allowing the director to waive fees. 5. Consolidate the application and permitting timeline and expiration information in the administrative procedures section (20.05) to be cross-referenced where applicable. 6. Require a pre-final meeting to establish an appropriate subdivision submittal checklist. 7. Modify 120-day review time to be from complete application to notice of hearing/decision. 	COA
13	Compliance and enforcement of existing code regulations is challenging given the current code provisions.	16.20; 23.80; 27	Compliance with codes and regulations for development and construction.	<ol style="list-style-type: none"> 1. Develop new procedures for reporting, construction management plans, enforcement procedures, include fixed fines per ticket, and potentially increase penalties. 2. Require financial guarantees for tree protection, erosion control, and clearing limits 	CEP
14	The height, bulk, and scale of new homes can be overwhelming from the street.	21A.30	Development should be at a more human scale and contribute positively to the character of the community.	<ol style="list-style-type: none"> 1. Develop standards for building height, bulk, and scale to ensure compatibility with existing development and desired community character. 2. Regulate building height by building segment. 	SF/RND

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15	The code's development regulations lack visuals to help make code requirements more understandable	21A	Include graphical diagrams and visual examples to illustrate code requirements and how standards should be applied.	1. Include graphical diagrams for standards and calculations in the code, along with visual illustrations of concepts and development that shows the application of these standards.	COA
16	Staff requires more flexibility and should be empowered in review and enforcement.		Better development outcomes and improved compliance with permit requirements.	1. Grant more flexibility to and empower staff and inspectors. 2. Allow any inspector to issue a stop work order.	CEP
17	Standards for subdivision development on slopes and in sensitive areas are the same as those for unconstrained properties.	21A	Subdivisions should be designed in a way that is sensitive to natural topography, steep slopes and other environmentally sensitive areas.	1. Create standards for subdivisions on hillsides, and in environmentally sensitive areas that integrate LID and best practices for preservation and conservation of critical and other environmentally significant areas.	NF
18	There is no mechanism to enforce development standards when projects are complete or near completion.	16.25	The City should have options to enforce compliance issues later in development.	1. Create a mechanism for enforcement and accountability that fits into the inspection process that can remedy issues caught later in development. 2. Allow any inspector to issue a stop work order.	CEP
19	Native vegetation and wildlife habitat are cleared from a majority of larger sites in development.	21A.37 ; 16.20	Clearing and development standards should require retention of native vegetation across wider areas of undeveloped sites.	1. Native vegetation should be retained and protected on sites during development 2. Require replacement trees for unhealthy, hazardous, and immediate threat trees. 3. Require early and advanced tree vigor enhancement for trees to be retained on sites under development permit review.	NF

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#	PROBLEM STATEMENT	CODE SECTIONS	INTENDED OUTCOMES	SOLUTIONS	TOPIC
20	Development standards do not adequately reflect site conditions and limitations.	21A	Development regulations should be adaptable dynamic based on site conditions.	1. Ensure development regulations are reflective of conditions on the site and the surrounding context.	SF/RND
21	Developers are not accountable for contributions to infrastructure outside of their development.		Compliance with required infrastructure contributions.	<ol style="list-style-type: none"> 1. Create a mechanism for enforcement during inspections. 2. Develop baseline standards for single family homes on vacant lots. 	CEP
22	There is a disconnect between the water district and the City.	20.05	Submittal requirements that are clear and specific and improve communications between the City and utilities.	1. Improve permit applications submittal requirements to enhance communications between utility and the city.	COA
23	There are no requirements for construction management other than traffic management during development.	16.25	A defined construction management component of the permitting process that reduced impacts on nearby neighborhoods and residents.	<ol style="list-style-type: none"> 1. Require a site staging and construction management plan as part of development applications. 2. Include a meeting early on in the permitting process with building and planning officials to discuss staging and construction management. 3. Require CESCL manager on-site at all times and SWPPP log on-site, to be submitted prior to final 4. Add protection fencing affidavit prior to start of construction with changes only via permit revision (fine for \$1,000/sf) 5. Include provision for protection of understory plants 6. Clarify trigger for requirement for clearing & grading, particularly with regard to landscaping 	CM

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24	Developers are willing to pay fines for violating code provisions or construction management requirements	23.80	Fines and other penalties for noncompliance should be firm enough to deter code violations.	<ol style="list-style-type: none"> 1. Increase penalties for noncompliance to further disincentivize noncompliance 2. Consider a work stoppage provision for construction management and code violations. 	CEP
25	Landscaping and maintenance of plantings can interfere with utilities.		Landscape standards should avoid future issues with utilities from landscape design.	<ol style="list-style-type: none"> 1. Require consideration of utilities in landscape design as part of new development. 	ICD
26	Maintenance of landscaping in the right-of-way can be a burden on the City.	Not strictly a code issue		<ol style="list-style-type: none"> 1. Use volunteer programs for right-of-way and landscape maintenance and include code provisions to reduce maintenance of landscaped areas. 	ICD
27	Baseline standards for new homes allow for too much home in a small area.	20.05.080	Development should be at a scale that is more appropriate for the site and surrounding content.	<ol style="list-style-type: none"> 1. Develop standards for single family homes that effectively limit height bulk and scale for the site and context. 	SF/ RND
28	Proposal modifications that constitute a substantial change and would require a new application are not defined.		Clearly defined criteria for a substantial change, which would require a new application.	<ol style="list-style-type: none"> 1. Provide a specific description of substantial change to review requirements and would require a new application. 	COA
29	Noticing requirements are not well organized and could be clearer.	20.05.060		<ol style="list-style-type: none"> 1. Reorganize and consolidate noticing requirements so that they are simpler and easier to understand. 	COA
30	Decisions on new development may not further the comprehensive plan.	21A.110	The comprehensive plan is considered in permit decisions.	<ol style="list-style-type: none"> 1. Include furtherance of the City's comprehensive plan as a stated criterion for permit decisions. 	COA

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#	PROBLEM STATEMENT	CODE SECTIONS	INTENDED OUTCOMES	SOLUTIONS	TOPIC
31	Residential parking requirements sometimes conflict, are sometimes unclear, and can lead to parking that is poorly designed or dominates the street frontage of new homes.	21A.25; 21A.40	Residential parking standards are clear and provide for well-designed off-street parking access.	<ol style="list-style-type: none"> 1. Include adequate maneuvering area for off-street parking outside new single-family homes. 2. Ensure that zoning provisions reflect that parking for a residential may be located in the setback. 3. Consider stricter limits on driveway widths. 	RND/ SF
32	Refund provisions and timelines are unclear, and do not specify which permit fees are eligible.	16.20.370	Refund eligibility and timeline is clearly spelled out in the code.	<ol style="list-style-type: none"> 1. Clarify what fees are eligible for 80% refunds, and whether the 180-day limit includes just those fees or deposits as well. 	COA
33	There is no established process for modifications to a conditional use or requirements for certain expansions to non-conforming uses		There is a clear process for all modifications to conditional and non-conforming uses.	<ol style="list-style-type: none"> 1. Require a conditional use application for conforming uses that would be added to an existing nonconforming use. 2. Use the conditional use application process for modifications to existing conditions uses 	COA/ NRU
34	School capacity and concurrency in the code should be valid and all cross-references should lead to a single section.		Capacity and concurrency analysis is thorough and remains valid based on changing conditions.	<ol style="list-style-type: none"> 1. Review capacity/concurrency analysis in the code for potential overhaul in the future. 2. Ensure that all references to school capacity direct readers to the proper section. 	COA
35	The code does not clearly lay out standards short-term rentals as a non-residential use that tend to be located in residential zones	21A.25	The City should define rentals that function more as hospitality rather than residential as non-residential and offer clear standards.	<ol style="list-style-type: none"> 1. Define when rental housing is a non-residential use and regulations for rentals considered non-residential. 2. Include enforcement standards and mechanisms for rentals considered non-residential. 	NRU

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36	Development categories defined in the code are not consistent with those listed in decision types.	20.05.020	Development categories referenced in decision types should be consistent.	1. Include Unified Development Plans (UZDP) as a Type 3 decision, and remove urban planned development from Type 3	COA
37	Signage regulation have not been evaluated for compliance with Reed v. Town of Gilbert - 135 S. Ct. 2218 (2015)	21A.45	Signage regulations that are consistent with caselaw.	1. Review sign regulations and ensure they reflect the Supreme Court's ruling, removing any content-based regulations.	COA
38	Current code does not adequately differentiate between accessory uses for which a building permit is required.	16/21A		1. Clarify which occupancy of accessory structures triggers a building permit.	COA
39	Infrastructure and environmental challenges in Inglewood and Tamarack are not adequately addressed in the code.			<ol style="list-style-type: none"> 1. When a project is located in the historic Tamarack Plat in a landslide hazard area, code regulations in SMC 21A.50.220. 2. Develop standards for infill in Inglewood and Tamarack for parking, driveway access, and public roadways. 3. Develop maintenance standards for critical areas and steep slopes and stormwater/drainage requirements after development is complete. 	ICD/NF

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#	PROBLEM STATEMENT	CODE SECTIONS	INTENDED OUTCOMES	SOLUTIONS	TOPIC
40	The code has no requirements for sewer connections and allow septic in geologically hazardous and steep slope areas, where they may be a risk to surrounding properties	21A.60	New development, properties with failing septic systems connect to sewer, and septic systems	<ol style="list-style-type: none"> 1. Require sewer connections for new development, or substantial remodels (over 50% of assessed value). 2. Develop a policy to direct new connections or extension of sewer lines. 3. Prohibit septic in geologically hazardous areas, and in steep slope areas 4. Require properties with failing septic systems to connect to sewer. 	ICD
41	Permits are required for regular maintenance of landscaping and/or infrastructure in critical areas	16.15.050	Regular landscape and drainage maintenance in critical areas does not require a permit.	<ol style="list-style-type: none"> 1. Allow for regular maintenance of ditches, culverts, drainage features (e.g. French drains), shoulders and paths within these exceptions, and for lawn and landscape maintenance in critical areas and buffers including invasive plant and weed removal, thinning or removal of volunteer plants or runners etc. 	NF/ COA
42	There are no limits on clearing without a permit outside of critical areas.	16.15.050	Clearing is limited by the code to preserve native vegetation.	<ol style="list-style-type: none"> 1. Limit the land area that can be cleared without a permit (including shrubs and groundcovers) and reference the tree removal section 21A.37.240 	NF

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43	City policy and code does not adequately protect steep slopes.	16.15.050;	Steep slopes are adequately protected, and new steep slopes along adjacent property lines cannot be created and existing steep slopes are appropriately maintained.	<ol style="list-style-type: none"> 1. Consider buffer areas for steep slopes and prohibit the addition of new debris or runoff on steep slopes 2. Limit grading and the slope of graded areas near property boundaries so that grade between properties is more gradual. 3. Create enforcement mechanism for illegal steep slope creation to help remediate steep slopes created illegally through grading. 4. Provide for mitigation & monitoring of development in landslide hazard areas & steep slopes. 5. Ensure clearing and grading permit exceptions are accurate. 	NF
44	Critical areas and natural vegetation are not adequately protected during development.		Site plan and title recording should help preserve critical areas and prevent clearing protected areas and retained trees.	<ol style="list-style-type: none"> 1. Require site plans for single-family homes be recorded in SMC 21A.50.180. 2. Place limits on original permit requirements for Critical Areas, when recorded and required prior to permit issuance 3. Record notice on title before any permit approvals per code to inform the public of the presence of Critical Areas, buffers, any mitigation, and limitations on actions. 4. Trees/driplines, clearing limits, and landscaping should be recorded with the site plan to monitor retention and protection 	NF
45	Look at K4C adopted ordinance and check what could be added in this phase.				NF
46	Ensure recent amendments under Phase 1 are clear, use proper grammar and word choice, consistent application of terms and definitions and accurate cross-references				COA

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47	Refine the “‘technically feasible’ deviations added during Phase I [i.e. SMC 16.15.090(2)(a)(iii)]				NF/ COA
48	Create PUD standards that encourage design excellence and conservation of Sammamish’s natural environment in exchange for density bonuses or other meaningful incentives.				RND
49	Address how new regulations apply to subdivisions vs. individual homes and infill development				COA