

## **33.660 Review of Land Divisions in Open Space, Residential, and IR Zones**

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# **660**

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### **General**

#### **33.660.010 Purpose**

These regulations ensure that land divisions in residential, open space, and IR zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

#### **33.660.020 Where These Regulations Apply**

The regulations of this chapter apply to proposals for land divisions on sites in Open Space, Residential, and IR Zones.

### **Review of Preliminary Plan**

#### **33.660.110 Review Procedures**

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure:
1. Eleven or more lots;
  2. Four or more lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
  3. Environmental review;
  4. A phased land division, as described in Chapter 33.633, Phased and Staged Plans;
  5. Any portion of the site is in an Open Space zone.

- B. Type IIx.** Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure:
  - 1. Four to ten lots;
  - 2. Two or three lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
  - 3. Lots, utilities, or services are proposed within a special flood hazard area; or
  - 4. The proposal includes a concurrent land use review assigned to a Type I, Type 1x, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.
- C. Type Ix.** All land divisions not assigned to a Type IIx or Type III, are processed through a Type Ix procedure.

### **33.660.120 Approval Criteria**

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. Lots.** The standards and approval criteria of Chapters 33.605 through 33.612 must be met;
- B. Trees.** The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;
- C. Special flood hazard area.** If any portion of the site contains special flood hazard area, the approval criteria of Chapter 33.631, Sites in Special Flood Hazard Areas, must be met;
- D. Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;
- E. Phased Plans and Staged Final Plat.** If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;
- F. Required recreation area.** If 40 or more lots or dwelling units are proposed, the standards and approval criteria of Chapter 33.634, Required Recreation Areas, must be met;
- G. Clearing, grading, and land suitability.** The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;
- H. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements must be met;
- I. Solar access.** If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met;
- J. Streams, springs, seeps, and wetlands.** The approval criteria of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met;
- K. Transportation impacts.** The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

- L. **Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.655, which address services and utilities, must be met.

### **Review of Changes to an Approved Preliminary Plan**

#### **33.660.300 When Review is Required**

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320. Some changes, listed in Section 33.663.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.663.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

#### **33.660.310 Review Procedures**

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. **Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. **Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
  1. An increase in the site area of more than 5 percent;
  2. An increase in the number of lots;
  3. A decrease in the number of lots by more than one lot;
  4. A decrease in the area of any lot by more than 10 percent;
  5. A decrease in the width or depth of any lot by more than 10 percent. Width is measured at the front setback line;
  6. Changing a through street to a dead-end street;
  7. Changing a dead-end street to a through street;
  8. Deleting a street or pedestrian connection;
  9. Deleting or changing a condition of the Preliminary Plan approval;
  10. Changing the purpose of, or deleting, the following tracts or easements:
    - a. Shared parking tracts;
    - b. Environmental resource tracts;
    - c. Stormwater tracts;
    - d. Special flood hazard area easements or tracts;

- e. Tree preservation tracts;
  - f. Landslide hazard easements or tracts; or
  - g. Recreation area tracts;
11. Reducing the area or changing the location of the following tracts:
- a. Environmental resource tract;
  - b. Special flood hazard area tract; or
  - c. Landslide hazard tract;
12. Decreasing the area of a recreation area tract by more than 10 percent;
13. Any change that the Director of BDS determines:
- a. Is a significant change from the Preliminary Plan; or
  - b. Will have a significant impact on the surrounding area.
- C. Changes to tree preservation requirements.** Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

### **33.660.320 Approval Criteria**

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

- A. Approval criteria for changes listed in Subsection 33.660.310.B.** Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval criteria of Section 33.660.120, Approval Criteria.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
  - 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
  - 2. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19.)*

