33.662 Review of Land Divisions in Commercial, Employment, and Industrial Zones

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General

33.662.010 Purpose

These regulations ensure that land divisions in non-residential 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.

33.662.020 Where These Regulations Apply

A. Generally. The regulations of this chapter apply to proposals for land divisions on sites in commercial, employment, and industrial zones.

B. Alternative process for large sites in I zones. Sites in industrial zones that meet the minimum size requirements of this subsection are eligible to use the regulations and procedures of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for this alternative process are:

1. IG1 zone. Sites in the IG1 zone that are at least 200,000 square feet in area; and
2. IG2 and IH zones. Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.662.110 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, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. Eleven or more lots, regardless of zone;
2. Four or more lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area; or
3. Environmental review.

B. **Type IIx.** Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

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 in Sections A and B above, are processed through a Type Ix procedure.

33.662.120 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 33.613 through 33.615 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. **Clearing, grading, and land suitability.** The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

G. **Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements must be met;

H. **Solar access.** If single dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met; and

I. **Streams, springs, and seeps.** The approval criteria of Chapter 33.640, Streams, Springs and Seeps, must be met.

J. **Transportation Impacts.** The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and

K. **Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. 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.

33.662.310 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. A decrease in the area of any lot by more than 10 percent;
3. Changing a through street to a dead-end street;
4. Changing a dead-end street to a through street;
5. Deleting a street or pedestrian connection;
6. Deleting or changing a condition of the Preliminary Plan approval;
7. Deleting any of the following:
    a. Shared parking tracts;

b. Environmental resource tracts;

c. Stormwater tracts;

d. Special flood hazard area easements or tracts;

e. Tree preservation tracts; or

f. Landslide hazard easements or tracts;

8. Reducing the area or changing the location of any of the following:

a. Environmental resource tract;

b. Special flood hazard area tract; or

c. Landslide hazard area tract.

9. 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.

33.662.320 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 33.662.310.B. Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval criteria of Section 33.662.120.

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 proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and

3. 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. 178509, effective 7/16/04; 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. 186053, effective 1/1/15.)