CHAPTER 17.54
SPECIFIC AREA PLAN OVERLAY

17.54.00 SPECIFIC AREA PLAN DEVELOPMENT AND APPROVAL PROCESS

A. **Purpose.** The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. A specific area plan is a master plan coordinating and directing development in terms of transportation, utilities, open space and land use, however, no phasing or timeline is required. Specific area plans may be located anywhere within the Urban Growth Boundary and are intended to promote coordinated planning concepts and pedestrian-oriented mixed-use development.

B. **Initiation.** The process to establish a specific area plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific area plan process. If owners request initiation of a specific area plan process, the City Council may require an application fee to cover the cost of creating the plan.

C. **Advisory Committee.** The City Council may appoint an advisory committee to guide development of the plan. The advisory committee may include persons representing affected property owners, neighbors, city staff, agencies, special districts and the community at large. The role of the committee is advisory to the Planning Commission and the City Council.

D. **Adoption.** A specific area plan shall be adopted through a Type IV process, and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable.

E. **Map identification.** A specific area plan overlay zone is identified on the City of Sandy Zoning Map with a specific border around the perimeter of the plan area and a letter “S” depicted approximately in the center of the plan area. A report that includes the specific area plan and relevant development standards shall be adopted as an exhibit to the ordinance approving the overlay zone district.

F. **Comprehensive Plan Amendment.** A specific area plan is similar to a master plan and does not automatically require a comprehensive plan amendment. A comprehensive plan amendment shall only be required if a need for such an amendment is identified during development of the specific area plan.

G. **Compliance with Specific Area Plan Standards and Procedures.** New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area.

H. **Specific Area Plan Standards.** Specific standards for adopted specific area plans are defined below.

17.54.10 SPECIFIC AREA PLAN CONTENT

At a minimum, a specific area plan shall include the following text and diagrams:

A. **Plan Objectives.** A narrative shall set forth the goals and objectives of the plan.

B. **Site and Context.** A map of the site and existing context shall identify the project area.
C. **Land Use Diagram.** The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan.

D. **Density.** If residential uses are proposed, a narrative shall describe planned residential densities.

E. **Facilities Analysis.** The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land uses and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area.

F. **Circulation/Transportation Diagram.** The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards.

G. **Market Analysis.** Specific area plans that include amendments to the zoning map affecting the acreage of Village Commercial (C-3) land within the plan area shall include a market analysis of supportable retail space that verifies demand for the proposed acreage of C-3 land. The analysis should include a market delineation, a regional and local economic review, and a retail market evaluation.

H. **Design and Development Standards.** If standards differ from normal City standards, design and development standards shall be included in the plan.

**17.54.20 LAND USE REVIEW**

The review procedures outlined in Chapter 17.12, Procedures for Decision Making, shall apply for all development subject to a specific area plan overlay zone, unless modified below.

A. **Type I.** The Director, at his or her discretion, may refer a Type I application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.10, the following activities shall be reviewed administratively.

   1. Administrative amendments to a specific area plan, as defined by Section 17.54.30 (A).

B. **Type II.** The Director, at his or her discretion, may refer a Type II application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.20, the following activities shall be reviewed administratively with notices to neighboring property owners.

   1. Minor amendments to a specific area plan, as defined by Section 17.54.30 (B).

C. **Type III.** In addition to the procedures detailed in Section 17.12.30, the following activities shall be reviewed by the Planning Commission as either a quasi-judicial or legislative amendment.

   1. Major amendments to the specific area plan, as defined by Section 17.54.30 (C).
17.54.30 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC AREA PLAN

Amendments to an approved specific area plan are classified as administrative, minor, or major amendments.

A. Administrative Amendments. The City Planning Director may approve administrative amendments pursuant to the Type I procedures of the Sandy Development Code. Administrative amendments include:

1. Street, easement, sidewalk, and trail relocations that result in a location change of less than 50 feet from what is depicted on specific area plan diagrams.

2. Public park relocations that result in a location change of less than 100 feet from what is depicted on specific area plan diagrams.

3. Increases in the size of public neighborhood parks, provided that transportation connections remain consistent with the specific area plan.

4. Reductions in the size of public neighborhood parks, provided the reductions are less than 10% of park area depicted on specific area plan diagrams.

5. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific area plan.

6. A change in the utility plan other than what would be necessary for other authorized adjustments.

B. Minor Amendments. A minor amendment to a specific area plan shall be processed as a Type II land use decision. The decision shall include findings demonstrating that the change will not adversely affect:

1. The purpose and objectives of the specific area plan, and

2. The functioning of the specific area plan, and

3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Minor amendments are those that result in any of the following:

a. A change in the circulation/transportation plan that requires a required transportation element including local street, easement, sidewalk or trail to be shifted 50 to 100 feet in any direction from what is depicted on the specific area plan circulation/transportation diagram.

b. A change in the land use diagram that reduces the size of a public park or facility more than 10%, or moves the location more than 100 feet from the location depicted on the land use diagram.

C. Major Amendment. A major amendment to a specific area plan shall be processed as a Type III Procedure affecting the existing specific area plan. The amendment shall follow either quasi-judicial or legislative procedures and meet plan amendment and zone change criteria. Findings must demonstrate that the change will not adversely affect:

1. The purpose and objectives of the specific area plan, and
2. The functioning of the specific area plan, and

3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Major amendments are those that result in any of the following:

a. A change in a land use plan boundary or density, unless as part of the original approvals an alternative design was approved outlining acceptable plan designation options (e.g. a residential use may be approved on a park site).

b. A change in the circulation/transportation plan that causes a required transportation element, including a trail, to be added, eliminated or moved more than 100 feet from the location depicted on the specific area plan circulation/transportation diagram.

c. A change in the Parks Plan that adds or eliminates a designated public park or facility.

d. A change in development standards, except those set forth as minor or administrative amendments.

e. Increase or decrease in density, as much as 20% over or under density permitted by an underlying zoning district.

f. Other amendments to the specific area plan not defined as administrative or minor amendments.

17.54.40 BORNSTEDT VILLAGE OVERLAY (BVO) DISTRICT

The City of Sandy developed a specific area plan for Bornstedt Village, a mixed-use neighborhood located south of downtown Sandy surrounding the intersection of Hwy 211 and Bornstedt Road, as depicted on the City of Sandy Zoning Map. The Bornstedt Village Specific Area Plan Report, the background document that includes Figures referenced in this Chapter, is available for review in the City of Sandy Planning Department.

17.54.50 BVO INTENT

The Bornstedt Village Overlay (BVO) district is intended to guide the development of a new, pedestrian-oriented neighborhood in Sandy, and, implement the Comprehensive Plan’s village policies. The district is intended to integrate land use, transportation, natural resource and infrastructure planning in a way that recognizes and enhances the unique qualities of Bornstedt Village. The district references other chapters within the Sandy Development Code in combination with provisions that apply solely within Bornstedt Village. Where there is a conflict between a referenced section of the Code and this chapter, the BVO district provisions supersedes.

The planning objectives for Bornstedt Village are to:

A. Create a Livable Village – Create a neighborhood-oriented village that fulfills the village definition in the Sandy Comprehensive Plan, and, responds to the unique opportunities and site conditions of Bornstedt Village.
B. Provide Transportation Options and a Local Street Network – Provide for transportation improvements and a village setting that is conducive to walking, bicycling and transit, while accommodating automobile traffic. Integrate planned land uses with existing and future transportation modes.

C. Plan for a New, Village-Oriented Character for Hwy 211, Bornstedt and Jacoby Roads – Evaluate ways to calm traffic, improve safety, create an attractive character, protect natural resources and generally minimize adverse impacts from traffic on these high-speed roads.

D. Protect, Restore, and Enhance Natural Resources in Balance with Creating an Urban Village – Plan for integration for land use, transportation, and natural resources in the village. This objective seeks to protect, restore and enhance key resources and implement appropriate green and sustainable development practices, all in balance with creating an urban village.

E. Plan for a Parks and Open Space – Provide parks that implement the City of Sandy Parks Master Plan, and other open space opportunities that enhance the livability of the village.

F. Provide Housing Choices – Provide a variety of housing choices that meet the needs of a broad spectrum of Sandy residents.

G. Ensure Attractive and Village-Oriented Design – Identify zoning and design guidelines that will result in attractive design that supports the creation of a walkable village.

17.54.60 BVO APPLICABILITY

Development and land use within the Bornstedt Village Overlay district, as shown on the City of Sandy Zoning Map (reflecting Figure 5 in the Bornstedt Village Specific Area Plan), shall be in conformance with the provisions outlined in this chapter. Cascadia Village Subdivisions #1 through #6 are exempt from Sections 17.54.70-17.54.110.

17.54.70 BVO PERMITTED USES

Within the Bornstedt Village Overlay district, all uses shall be consistent with the underlying zoning district, as referenced below. Uses are determined through the referenced zone district unless specifically modified or exempted herein.

A. Single Family Residential (SFR) – see SDC 17.34. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.34.10 and 17.34.20.

B. Low Density Residential (R1) – see SDC 17.36. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.36.10 and 17.36.20.

C. Medium Density Residential (R2) – see SDC 17.38

D. High Density Residential (R3) – see SDC 17.40

E. Village Commercial (C-3) – see SDC 17.46. Multi-family dwellings above, beside or behind a commercial business are permitted except as modified as follows: residential dwellings
shall only be permitted to be located above, beside or behind the commercial use(s) if a
minimum of 80% of the ground floor of each building footprint is occupied by the
commercial use(s). In such cases where the 80% standard is met, a maximum of 20% of the
ground floor of each building footprint may be used for residential purposes and to provide
access to residential dwellings located above, beside or behind the commercial uses(s).

17.54.80 BVO DEVELOPMENT STANDARDS

Residential Development Standards

<table>
<thead>
<tr>
<th>Type</th>
<th>SFR</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
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<tbody>
<tr>
<td>Minimum Average Lot Width</td>
<td>50 ft. single family detached; 50 ft. duplex; 30 ft. zero lot line; 30 ft. row house</td>
<td>40 ft. single family detached; 50 ft. duplex; 30 ft. zero lot line; 20 ft. row house</td>
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<tr>
<td>Lot Width at Building Line</td>
<td>40 ft. single family detached</td>
<td>40 ft. single family detached; 50 ft. duplex; 20 ft. zero lot line; 20 ft. row house</td>
<td>40 ft. single family detached; 30 ft. duplex; 20 ft. zero lot line and row house</td>
<td>40 ft. single family detached; 20 ft. zero lot line, duplex and row house</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
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<tr>
<td>Minimum Ave. Lot Depth</td>
<td>No minimum</td>
<td>No minimum</td>
<td>No minimum</td>
<td>No minimum</td>
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<tr>
<td>Setbacks</td>
<td>10 ft. min. 20 ft. min. 7.5 ft. min.</td>
<td>10 ft. min. 15 ft. min. 5 ft. min.</td>
<td>10 ft. min. 15 ft. min. 5 ft. min.</td>
<td>10 ft. min. 15 ft. min. 5 ft. min.</td>
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<tr>
<td>Front Yard Setback</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
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<tr>
<td>Garage Setback</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
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<td>Projection into Required Setbacks</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
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<tr>
<td>Accessory Structures</td>
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<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
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<tr>
<td>Structure Height</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
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<tr>
<td>Building Site Coverage</td>
<td>No maximum</td>
<td>Maximum - 80 percent maximum for manufactured home parks</td>
<td>Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks</td>
<td>Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
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Revised by Ordinance No. 2003-09 effective 10/15/03
## 17.54.90 BVO Village Commercial Development Standards

<table>
<thead>
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<tr>
<td>Lot Area</td>
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<td>Lot Width</td>
<td>No minimum</td>
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<tr>
<td>Lot Depth</td>
<td>Maximum 100’</td>
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<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Setbacks*</td>
<td>No minimum front, side or corner setback; 10 ft. maximum. Additional setbacks of up to 20 ft. may be provided to accommodate small plazas and outdoor seating</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft.</td>
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<td>Landscaping</td>
<td>10%</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
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*Unless abutting a more restrictive zoning district, then match abutting district’s setback

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## 17.54.100 BVO Village Commercial - Residential in Conjunction with a Commercial Business

<table>
<thead>
<tr>
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<th>Standard</th>
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<tr>
<td>Lot Dimension</td>
<td>In conformance with Chapter 17.40 (R3)</td>
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<tr>
<td>Setbacks</td>
<td>In conformance with Chapter 17.40 (R3)</td>
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<tr>
<td>Lot Coverage</td>
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<tr>
<td>Structure Height</td>
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<tr>
<td>Landscaping</td>
<td>20%</td>
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</tbody>
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## 17.54.110 BVO DESIGN STANDARDS

A. **Design Review** – Design review is required for all new uses and structures, and for exterior remodels of commercial uses. The provisions of Chapter 17.90 and other relevant chapters apply unless modified by the following provisions.

B. **Single Family Residential Design Standards** – All single family dwellings and manufactured dwellings on individual lots of record shall utilize at least six of the following design features to provide visual relief along the front of the home:

1. Dormers
2. Gables
3. Recessed entries
4. Covered front porches
5. Pillars or posts
6. Bay or bow windows
7. Eaves of 12 inches or greater
8. Off-set of 16 inches or greater on building face or roof
9. Window trim (minimum 4-inches-wide nominal) or shutters (minimum 8-inches-wide nominal)
10. Balconies or porch rail
11. Shakes, shingles, brick or other similar decorative materials occupy at least 100 square feet of the street façade

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Revised by Ordinance No. 2003-09 effective 10/15/03
C. **Variety of Housing Standard for Subdivisions and Planned Developments** – In order to reduce repetition of the same building type and promote housing choices, all subdivisions and planned unit developments exceeding 40 platted lots, in the R-1, R-2 and R-3 zones, must demonstrate that a variety of lot sizes and/or building types have been provided. This standard is met by providing a different lot size or housing type for at least one-third (33.3%) of the dwellings, by one or more of the following:

1. A mix of attached and detached dwellings.
2. A variety of lot sizes for detached dwellings where the “varied” lot sizes are at least 20% larger or smaller than the average lot size for the remaining lots.
3. A mix of one and two story dwellings.
4. A mix of multi-family housing and detached dwellings, where allowed by the underlying zoning district.
5. Other techniques as approved by the Planning Commission through a Type III review process.

D. **Garage Standards** – The following standards apply to new single-family, duplex and zero-lot-line residential development. The purpose for these standards is to:

1. Ensure that there is a physical and visual connection between the living area and entrance of the dwelling and the street.
2. Enhance public safety for residents and visitors and provide opportunities for community interaction.
3. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk.

Garages that are accessed from the front lot area of the dwelling must meet one of the four options listed below, unless the garage is placed behind the dwelling.

a. The length of the garage wall may be up to 60% of the length of the street-facing building façade when the garage does not extend closer to the front lot line than the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).

b. The length of the garage may be up to 70% of the length of the street-facing building façade when the garage is recessed at a minimum of 2 feet from the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).

c. The garage may extend up to 6 feet in front of the longest street-facing wall when its width does not exceed 50% of the total street-facing façade, and, the garage is not closer to the street lot line than the front of the porch. As referenced here, the porch must be at least 48 square feet in area, have a solid roof that is not more than 12 feet above the porch (Figure 10b in the Bornstedt Village SAP).

d. A garage door that is oriented at least 90 degrees to the street lot line is not subject to standards a-c above. Such side-oriented garages must have at least 15% of their street-facing wall (measured in square feet) in windows (Figure 10b in the Bornstedt Village SAP).

E. **Access to Narrow Lots** – In order to minimize the extent of curb cuts on each block, to deemphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway. A shared private driveway may serve: 1) as many as 6 dwelling units, none of which takes direct access on the public street; or 2) two dwelling units, where both dwelling units share a
common driveway approach on a public street (where permitted). The Planning Commission may grant exceptions through a Type III Variance process where the applicant demonstrates topography or other conditions preclude compliance with this standard.

F. Landscaping Standards Adjacent to Highway 211 – The street-side yard adjacent to the Highway 211 Parkway (Figure 6 of the Bornstedt Village Specific Area Plan) shall be landscaped to complement the parkway character. At a minimum, trees (minimum 2”) shall be planted on 50-foot centers together with contiguous groundcover. Less than 50-foot center spacing for trees is encouraged.

17.54.120 BVO CIRCULATION

New streets and vehicle access shall be developed consistent with the Bornstedt Village Circulation Plan (Figure 7 of the Bornstedt Village Specific Area Plan). Through-roads shown on the circulation plan are considered “required” street connections, however, there is flexibility regarding the specific alignment of the streets. Proposed road “arrows” (shown on Circulation Plan) are considered suggested locations for additional connections between the through streets, recognizing that flexibility is needed for the specific number and location of additional streets. The combination of development of the through streets and additional connections shall provide circulation resulting in a logical and connected network of local neighborhood streets. Figure 8 of the Bornstedt Village Specific Area Plan is an illustrative, non-binding, plan of how this standard could be implemented. Within the Bornstedt Village Overlay District, changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be added or moved more than 100 feet from the location depicted on the specific area plan Circulation diagram, shall be subject to the amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be eliminated, shall be subject to the amendment procedures of 17.54.30 (C).

A. Highway 211 Parkway Section. Development shall be consistent with the design of the Highway 211 Parkway cross-section (Figure 6 of the Bornstedt Village Specific Area Plan), subject to ODOT approval. The parkway cross-section may be modified, as needed, to adjust to topographic and other constraints. Modifications as part of the review of any land use application or development permit shall be approved by City Engineer and are subject to ODOT approval.

B. Traffic Calming on Bornstedt Road. The intersection of Bornstedt Road and Cascadia Village Drive shall be stop controlled. Other traffic calming methods such as striping, reflectors, narrowing of the pavement section, regrading, landscaping and other traffic calming techniques shall be considered during land use reviews and public improvement projects.

C. Boulevards.

1. The concept for the Barlow Road Boulevard is to build a neighborhood street that:

   a. Follows the general alignment of the historic Barlow Road, as shown on Figures 7 and 11 of the Bornstedt Village Specific Area Plan; and

17.54 - 9

Revised by Ordinance No. 2003-09 effective 10/15/03
b. Includes a landscaped park-block section that is a minimum of 20 feet wide and includes interpretive signage and a trail within the median. The conceptual design recognizes that the historic road is no longer visible, but is still valuable and important to incorporate into the design of the neighborhood; and

c. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

d. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

2. The concept for the Village Boulevard is to build a neighborhood street that:

a. Extends from the signalized intersection at Highway 211 approximately 1,000 feet to the south and approximately 260 feet to the north; and

b. This street should include a landscaped park-block median that is a minimum of 20 feet wide; and

c. The existing hedgerow of trees located at south end of the boulevard should be incorporated into this street design; and

d. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

e. Encourages pedestrian accessibility by requiring the primary entrance of all residential and commercial development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

3. The concept for Cascadia Village Drive, west of Bornstedt Road, is to build a neighborhood street that:

a. Features a landscaped park-block median that is a minimum of 20 feet wide, except where the street must avoid areas regulated by Chapter 17.60, the FSH Overlay District; and

b. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

c. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

D. Green Streets – Vegetated swales and other green street features, per SDC 17.100, approved by the City Engineer shall be used where practicable in Bornstedt Village.
17.54.130  BVO PARKS

The Open Space, Parks and Trails Map (Figure 9 of the Bornstedt Village Specific Area Plan) illustrates both existing parks and the location of new neighborhood parks. The proposed parks are conceptually located. The parks are an important element of the BVO district, however, they do not bind the subject properties to use as only parkland. Rather, the exact location and size of the parks shall be established through acquisition by the City, parkland dedication during development reviews as required by Chapter 17.86, development agreements, or other means that involve property owner participation. Within the Bornstedt Village Overlay District, changes in the parks plan that cause a required park, path or trail to be added or moved more than 100 feet from the location depicted on the specific area plan parks diagram, shall be subject to the Amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the parks plan that cause a required park, path or trail to be eliminated, shall be subject to the Amendment procedures of 17.54.30 (C).

17.54.140  BVO ENVIRONMENTAL STANDARDS

The BVO district shall utilize the existing environmental standards in the Sandy Development Code. The principal regulations are:

1. Flood Slope and Hazard (FSH) Overlay – see Chapter 17.60

2. Hillside Development – see Chapter 17.56

3. Urban Forestry – see Chapter 17.102, except where modified by this Chapter

   A. Tree Retention – The landowner is responsible for retention and protection of retained trees as specified below:

      1. Within Bornstedt Village at least 9 trees, 11 inches DBH or greater, shall be retained for every one-acre of land under contiguous ownership within 300 feet of the FSH Overlay District as depicted on the Zoning Map, and 6 trees per acre in other areas of the village.

All other standards of Chapter 17.102 shall remain in effect.
CHAPTER 17.56
HILLSIDE DEVELOPMENT

17.56.00 INTENT

The intent of this chapter is to comply with Statewide Planning Goal 7 (Natural Hazards) by minimizing seismic and landslide hazards, and soil erosion associated with development on steep or unstable slopes. Development may be permitted on potentially hazardous areas, provided that the recommendations of approved studies are implemented as conditions of building permit or land use approval.

17.56.10 APPLICABILITY

These regulations shall apply to any parcel with slopes greater than twenty-five percent (25%) as shown on the Hillside Development Overlay District Map or with slope hazards mapped by the Department of Geology and Mineral Industries (DOGAMI). This chapter shall apply only to activities and uses that require a building, grading, tree removal and/or land use permit.

A. General. No person shall develop property in areas designated by SDC 17.56.10, without first demonstrating compliance with this chapter.
   1. As a condition of permit issuance or land use approval, the applicant shall agree to implement the recommendations of approved studies and to allow all inspections to be conducted.
   2. Where a bond, letter of credit or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.

B. Exemptions:
   1. An activity or use that avoids slopes of 25% or greater, DOGAMI slope hazard areas, natural drainageways and potentially hazardous analysis areas as defined in Section 17.56.30.A.
   2. The following activities, regardless of location:
      a. An excavation that is less than three feet in depth, or which involves less than fifty cubic yards of volume;
      b. A fill that does not exceed three feet in depth or 50 cubic yards of volume;
      c. New construction or expansion of a structure resulting in a net increase in ground floor area of less than 1,000 square feet that does not involve grading;
      d. Emergency actions required to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property, as determined by the Director; or
      e. Any land use or activity that does not require a building, grading permit, or land use approval.

17.56.20 APPROVAL PROCEDURES

A. Land Use Reviews. All applications for land use approval under the Sandy Development Code shall be reviewed under the highest numbered procedure required for the development proposal. For example, a Type II design review combined with hillside development review would be considered under Type II procedure; similarly, a Type III conditional use permit combined with hillside development review would be considered under Type III procedure.
B. **Building Permits.** The Building Official will process requests for building or grading permit applications that do not require land use review under the Sandy Development Code.

### 17.56.30 REQUIRED MAP AND STUDIES

A. **Topographic Map Required.** To determine the location of potentially hazardous areas, the applicant shall submit a scaled topographic map at two-foot contour intervals for the subject property (site) and for land within 25 feet of the site perimeter. In addition to DOGAMI slide hazard areas and slopes of 25% or greater, potentially hazardous “analysis areas” include land within 25 feet of the top or toe of slopes of 25% or greater and the area 25 feet on either side of drainageways that drain 20 acres or more. This map shall be prepared by a registered engineer or land surveyor and shall show:

1. Slopes of 25-34%;
2. Slopes of 35% and greater;
3. The analysis that is within 25’ of slopes that are 25% or greater parallel to and within 25 feet of the top of the 25% slope break;
4. Mapped DOGAMI slide hazard areas;
5. The analysis area within 25 feet of the centerline of drainageways that drain at least 20 acres; and
6. The area (in square feet) for each category listed above for the subject property.

B. **Types of Required Studies.** There are three types of geological and engineering studies that may be required by this chapter. See Table 1 under Section 17.56.40, below.

1. **Geological Assessments** are prepared and stamped by a Certified Engineering Geologist and describe the surface and subsurface conditions of a site, delineate areas of a property that may be subject to specific geologic hazards, and assess the suitability of the site for development. Geotechnical Reports shall be conducted according to the requirements of Appendix A (*Geological Assessments*), shall make recommendations as to whether further studies are required, and may be incorporated into or included as an appendix to the geotechnical report.

2. **Engineering Geology Reports** are prepared and stamped by a Certified Engineering Geologist and provide detailed descriptions of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. Engineering Geology Reports shall be prepared in accordance with the requirements of Appendix B (*Guidelines for Preparing Engineering Geology Reports in Oregon* adopted by the Oregon State Board of Geologist Examiners) and may be incorporated into or included as an appendix to the geotechnical report.

3. **Geotechnical Reports** are prepared and stamped by a Geotechnical Engineer, evaluate site conditions, and recommend design measures necessary to reduce the development risks and facilitate safe and stable development. Geotechnical Reports shall be conducted according to the requirements of Appendix C (*Geotechnical Reports*), and may be incorporated into or included as an appendix to the Engineering Geology Report.

### 17.56.40 WHERE STUDIES REQUIRED

Additional geological or engineering studies shall be required, or not required, under the following circumstances:
### TABLE 1: WHERE STUDIES ARE REQUIRED OR NOT REQUIRED

<table>
<thead>
<tr>
<th>Situation</th>
<th>Type I Development Applications; Single Family Homes, Duplexes and Accessory Uses</th>
<th>NON-EXEMPT Grading; Type II or III Development Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Proposed development avoids slopes of 25% or greater, drainageways, DOGAMI slope hazard areas and all analysis areas:</td>
<td>1. No further requirements</td>
<td>2. No further requirements</td>
</tr>
<tr>
<td>B. Development proposed on slopes of 25-35% or analysis areas, but avoids drainageways, DOGAMI hazard areas and slopes of 35% or greater:</td>
<td>1. Geological Assessment required; Engineering Geology or Geotechnical Reports may be required*</td>
<td>2. Engineering Geology Report required; Geotechnical Report may be required*</td>
</tr>
<tr>
<td>C. Development proposed on DOGAMI hazard areas, slopes of 35% or greater, or drainageway areas:</td>
<td>1. Engineering Geology Report required; Geotechnical Report may be required*</td>
<td>2. Engineering Geology Report and Geotechnical Report required</td>
</tr>
</tbody>
</table>

* Whether additional studies are necessary depends on recommendations of base required study.

### 17.56.50 COMPLIANCE WITH STUDY CONCLUSIONS AND RECOMMENDATIONS REQUIRED

A. **Professional Standards.** The director shall determine whether Geological Assessments, Engineering Geology Reports, or Geotechnical Reports have been prepared in accordance with Section 17.56.30. The director may require additional information or analysis necessary to meet study requirements.

B. **Peer Review.** The director may require peer review of any required report, in which case regulated activities and uses shall be reviewed and accepted through the peer review process before any regulated activity will be allowed.
   1. A professional or professional firm of the city’s choice that meets the qualifications listed in this chapter shall perform the review.
   2. The review shall be at the applicant's expense.
   3. Review of report submittals shall determine whether required elements are completed, geologic report procedures and assumptions are accepted, and all conclusions and recommendations are supported and reasonable.

C. **Review Criteria.** The approval authority shall rely on the conclusions and recommendations of required reports, as modified by peer review, to determine compliance with this chapter.

D. **Conditions of Approval.** Conclusions and recommendations stated in approved reports shall be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.

E. **Expiration.** Where an approved assessment or report as defined and required by this chapter has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a
new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant shall submit an amendment to the required assessment or report, which may be reviewed and approved through the peer review process.

APPENDIX A

GEOLOGICAL ASSESSMENT REQUIREMENTS

The geological assessment is intended as an overview of site conditions. Its purpose is to identify geologic hazards and considerations, and to provide an assessment of the suitability of the site for the proposed project. It is the City’s policy to evaluate not only the development site and its effect on adjacent properties, but also adjacent properties that may affect the site. The report should include the items listed below in sufficient detail so that the City may determine whether a more thorough engineering geology report or geotechnical report may be needed to complete the evaluation of the suitability of the site for the proposed use.

The geologic assessment shall include the following:

GENERAL

• Name, address, and phone number.
• Client for whom the report was prepared.
• A description of the proposed project and its location.
• A review of the geologic history and the history of prior excavations and fills.
• A field reconnaissance of the site and vicinity.
• A discussion of geologic hazards, if any.

SITE INVESTIGATION

A site map of the area at a scale of 1":400' or larger. Geologic conditions, topography, and location of proposed structures are to be shown. A geologic profile showing any referenced subsurface conditions. A copy of published geologic maps shall also be provided.

• Suitability of the site for proposed development from a geologic standpoint.
• A description of the magnitude and extent of proposed grading or soil disturbance.
• If deemed necessary, subsurface exploration shall be conducted to assess unclear geologic conditions.
• A description of all field mapping and exploration procedures.
• Additional information or analyses as necessary to evaluate the site.
• A bibliography of all references used.

GEOLOGIC PROCESSES

• A discussion of any unusual or extreme geologic processes at work on the site, for example: rapid erosion, landslide hazard, flood hazard, rockfall, subsidence, or other features.
• A list of any geologic hazards that may affect the proposed land use, including slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, expansive soils, subsidence, fault rupture, or any other geologic hazard discovered by the investigation.
• An identification of any areas of the site that you recommend be avoided for human occupied structures.
• The effects of the geologic conditions on the proposed land use.
• The effects of the proposed land use on future geologic processes.
• The effects of the geologic conditions and proposed land use on surrounding properties.

RECOMMENDATIONS

• Discuss mitigation measures to address any anticipated geologic problems.
• Discuss potential future follow-up studies that should be recommended, such as engineering geology reports, geotechnical reports, additional subsurface exploration or more extensive soil reports.
• Geologic feasibility of the site for the proposed development.

CERTIFICATION

A signature, certification number, and stamp of a Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705.

APPENDIX B

GUIDELINES FOR PREPARING ENGINEERING GEOLOGIC REPORTS IN OREGON

Adopted by The Oregon State Board of Geologist Examiners

This is a suggested guide for the preparation of an engineering geologic report in Oregon. The engineering geologic report should include sufficient facts and interpretation regarding geologic materials, processes, and history to allow evaluation of the suitability of the site for the proposed use. Because of the wide variation in size and complexity of projects and scope of work, the guidelines are intended to be flexible and should be tailored to the specific project. The guidelines are intended to be fairly complete; however, not all items would be applicable to small projects or low-risk sites. In addition, some items may be addressed in separate reports prepared by a geotechnical engineer, geophysicist, structural engineer, or hydrologist.

The guidelines are based on a publication developed by the Guidelines Committee of the Utah Section of the Association of Engineering Geologists, a series of guidelines published by the California Division of Mines and Geology in the CDMG Note series, and the Bulletin of the Association of Engineering Geologists (Slosson, 1984).

GENERAL INFORMATION

The following items should be addressed:
• Client or party that commissioned the report.
• Name(s) of geologist(s) who did the mapping and other investigation on which the report is based, and dates when the work was done.
• Location and size of area, and its general setting with respect to major or regional geographic and geologic features.
• Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify level of the study, i.e., feasibility, preliminary, final, etc.
• Topography and drainage within or affecting the area.
• General nature, distribution, and abundance of exposures of earth materials within the area.
• Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data should provide a technical reviewer with the means of evaluating the reliability. Reference to cited works or field observations should be made, to substantiate opinions and conclusions.
• Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as buildings or utilities) in the immediate vicinity.
• Location of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections and described in the text of the report. The actual data, or processed data upon which interpretations are based, should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation.
• All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results.
• Disclosure statement of geologist's financial interest, if any, in the project or the client's organization.
• The signature and seal of the certified engineering geologist who prepared the report.

GEOLOGIC MAPPING AND INVESTIGATION

• Geologic mapping of the area should be done at a scale which shows sufficient detail to adequately define the geologic conditions present. For many purposes, available published geologic maps are unsuitable to provide a basis for understanding the site conditions, so independent geologic mapping is needed. If available published geologic maps are used to portray site conditions, they must be updated to reflect geologic or topographic changes which have occurred since map publication. It may be necessary for the geologist to extend mapping into adjacent areas to adequately define significant geologic conditions.
• Mapping should be done on a suitable topographic base or aerial photograph, at an appropriate scale with satisfactory horizontal and vertical control. The date and source of the base should be included on each map or photo.
• The geologist doing the investigation and preparing the map should report the nature of bedrock and surficial materials, the structural features and relationships, and the three-dimensional distribution of earth materials exposed and inferred within the area. A clear distinction should be made between observed and inferred features and relationships.
• The report should include one or more appropriately positioned and scaled cross sections to show subsurface relationships that cannot be adequately described in words alone. Fence or block diagrams may also be appropriate.

GEOLOGIC DESCRIPTIONS

The report should contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, etc.)

The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:
Bedrock
- Identification of rock types.
- Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units.
- Surface and subsurface expression, areal distribution, and thickness.
- Pertinent physical characteristics (e.g., color, grain size, nature of stratification, strength, variability).
- Distribution and extent of zones of weathering; significant differences between fresh and weathered rock.
- Special engineering geologic characteristics or concerns (e.g., factors affecting proposed grading, construction, and land use).

Structural features - stratification, faults, discontinuities, foliation, schistosity, folds
- Occurrence, distribution, dimensions, orientation and variability; both within and projecting into the area.
- Relative ages, where pertinent.
- Special features of faults (e.g., topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit and oldest unfauleared unit.
- Other significant structural characteristics or concerns.

Surficial deposits - alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as cinders and ash), and fill.
- Identification of material, grain size, relative age, degree of activity of originating process.
- Distribution, dimensional characteristics, variations in thickness, degree of soil development, surface expression.
- Pertinent physical and engineering characteristics (e.g., color, grain size, lithology, compactness, cementation, strength, thickness, variability).
- Special physical or chemical features (e.g., indications of volume change or instability, such as expansive clays or peat).
- Other significant engineering geologic characteristics or concerns.

Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on the site. Indicate how conditions may be affected by variations in precipitation, temperature, etc.
- Distribution, occurrence, and variations (e.g., drainage courses, ponds, swamps, springs, seeps, aquifers).
- Identification and characterization of aquifers; depth to groundwater and seasonal fluctuations, flow direction, gradient, recharge and discharge areas.
- Relationships to topographic and geologic features.
- Evidence for earlier occurrence of water at localities now dry (e.g., vegetation, mineral deposits, historic records).
- Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects of proposed modifications on future hydrologic processes.

Seismic considerations.
- Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk.
- Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone).
• Probable response of site to likely earthquakes (estimated ground motion).
• Potential for area to be affected by earthquake-induced landslides or liquefaction.
• Potential for area to be affected by regional tectonic deformation (subsidence or uplift).

**ASSESSMENT OF GEOLOGIC FACTORS**
Assessment of existing geologic conditions and processes with respect to intended use of the site constitutes the principal contribution of the report. It involves 1) the effects of the geologic features upon the proposed grading, construction, and land use, and 2) the effects of these proposed modifications upon future geologic conditions and processes in the area.

The following checklist includes topics that ordinarily should be considered in discussions, conclusions, and recommendations in geologic reports:

General suitability of proposed land use to geologic conditions.

• Areas to be avoided, if any, and mitigation alternatives.
• Topography and slope.
• Stability of geologic units.
• Flood and tidal inundation, erosion, and deposition.
• Problems caused by geologic features or conditions in adjacent properties.
• Other general problems.

Identification and extent of known or probable geologic conditions which may result in risk to the proposed land use (such as flood inundation, shallow groundwater, storm surge, surface and groundwater pollution, snow avalanche, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction, seiche, tsunami, volcanic eruption).

Recommendations for site grading.

• Protection of what materials and structural features will be encountered in proposed cuts.
• Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses.
• Excavation considerations (hard or massive rock, groundwater flows).
• General considerations of proposed fill masses in canyons or on sidehills.
• Suitability of on-site material for use as compacted fill.
• Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes.
• Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall and/or erosion protection on cut slopes.

Drainage considerations.

• Protection from inundation or wave erosion along shorelines.
• Soil permeability, suitability for septic systems.
• Protection from sheet flood or gulley erosion, and debris flows or mud flows.

Limitations of study, and recommendations for additional investigations. Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work.
• Borings, test pits, and/or trenches needed for additional geologic information.
• Percolation tests needed for design.
• Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer.
• Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, etc.).

RECOMMENDED TECHNIQUES/SYSTEMS TO CONSIDER

• Engineering geology mapping can be done using the Genesis-Lithology-Qualifier (GLQ) system (Keaton, 1984), rather than the conventional Time-Rock system commonly used in geologic mapping. The GLQ system promotes communication of geology information to non-geologists. The Unified Soil Classification System (U.S. Army Corps of Engineers, 1960 - Tech. Memo 3-357, and American Society for Testing and Materials, 1984) has been used in engineering for many years and has been incorporated into the GLQ system.

• The Unified Rock Classification System (Williamson, 1984) provides a systematic and reproducible method of describing rock weathering, strength, discontinuities, and density in a manner directly usable by engineers.

• Systems for mapping landslide deposits are described by Wieczorek (1984) and by McCalpin (1984).

• Commonly accepted grading requirements are described in Chapter 70 of the Uniform Building Code.

Direct your questions and comments regarding these guidelines to:
Oregon Board of Geologist Examiners
707 13th Street SE, Suite 275
Salem, OR 97301
(503) 566-2837
Fax: (503) 362-6393

REFERENCES


APPENDIX C

GEOTECHNICAL REPORT REQUIREMENTS

The geotechnical report is intended to define the subsurface conditions and provide geotechnical conclusions and recommendations for design and construction of the project. A geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report for the purpose of providing geologic information for the geotechnical engineer, explaining the implications of the subsurface conditions for appropriate project design and construction. The investigation should include the following:

GENERAL

- Name, address, and phone number.
- Client for whom the report was prepared.
- A description of the proposed project and its location.
- A site map of the area at a scale of 1":400' or larger. Geologic conditions, topography, and location of proposed structures are to be shown. A copy of published geologic maps shall also be provided.
- A review of the geologic history and history of prior excavation and fills.
- A field reconnaissance of the site and vicinity.
- Discussion of geologic hazards.
- A discussion of the engineering aspects of the site and proposed project. The discussion should address foundation types for proposed structures, retaining systems, grading considerations, stability of cut-slopes and constructed embankments, settlement of the site and adjacent sites due to existing conditions, proposed construction, and proposed surface and subsurface drainage facilities.
- A bibliography of all references used.

FIELD INVESTIGATIONS

- Planned construction (type of structure and use, type of construction and foundation/ floor system, number of stories, estimated structural loads).
- Scope (date of work done, investigative methods, sampling methods, logs of borings/ test pits, elevations of borings/test pits for reference of materials and samples to finished grade or footing elevations, identify real or assume elevations.
- Location of all samples taken, surface and subsurface.
- Groundwater conditions and potential (future natural and artificial seepage effects).
• Structural cross-sections (one or more appropriately positioned and referenced on map; especially through critical areas, slopes and slides) of suitable size and engineering scale; with labeled units, features and structures; and a legend. These sections should correlate with surface and subsurface data showing representative dip components, projections and stratigraphic/structural relationships.

ENGINEERING/MATERIAL CHARACTERISTICS AND TESTING

• Test methods used, type or condition of samples, applicable engineering graphics and calculations, results of all tests, and sample locations of all test samples.

• Unified Soil Classifications of materials.

• Material competency and strength of existing soils/profile:
  o Pertinent engineering geologic attributes (clayey, weak, loose; alignments, fissility, planar boundaries; pervious or water-bearing parts; susceptibility to mass wasting, erosion, piping, or compressibility).
  o Effects and extent of weathering (existing and relationship to project design and future site stability, material strength).
  o Field densities of unconsolidated field areas and moisture content.
  o Bearing capacity and/or shear strength of areas affected by future foundation placement (drained or undrained conditions, effective stress or total stress analysis, in-situ or remolded samples must be identified).
  o Consolidation or settlement potential.
  o Expansion potential.

• Maximum density-optimum moisture parameters of proposed fill material.

STABILITY FEATURES AND CONDITIONS

• Adequate mapping, sections and description dimensions and type of existing downslope movement, soil/rock creep, flows, falls, slumps, slides, if any.

• Activity, cause or contributing factors of downslope movement features.

• Recent erosion, deposition, or flooding features.

• Subsidence/settlement, piping, solution or other void features or conditions.

• Groundwater and surface drainage characteristics or features:
  o Surface expression (past and present); permeability/porosity of near surface materials.
  o Actual or potential aquifers or conduits, perching situations, barriers or other controls to percolation and groundwater movement and fluctuations of groundwater levels at the site.

FOUNDATION DESIGN CRITERIA

• Footing depth and width.

• Criteria for foundation material preparation.

• Allowable bearing values based on testing.

• Lateral pressures (active, passive, or at-rest conditions) and coefficient of friction.

• Settlement - total, differential, and rate of settlement.

REFERENCE

In supplemental or grading plan review reports referencing earlier reports, supply copies of those referenced reports or applicable portions as required by the Director.
CONCLUSIONS AND RECOMMENDATIONS

- **Ground preparation** (clearing, unsuitable material removal, scarification and moisturization).
- **Fill support**:
  - Suitability and precompaction of in-situ materials (describe test results and other pertinent data to be used to determine suitability).
  - Densification and moisturization or dewatering measures (equipment, surcharge, settlement monitoring, if applicable).
- **Placement of fill**:
  - Material approval (on site, imported).
  - Methods and standards (ASTM standards or approved equivalent).
  - Testing (ASTM standards (D1556, D1557, D2167, D2922, D2937, D3017) or equivalent) and frequency of field density testing by vertical intervals and/or volume of fill.
- **Elimination of cut/fill or other different transitions beneath improvements.**
- **Opinion as to adequacy of site for the proposed development** (this opinion should also be summarized in the first part of the report).
- **Other pertinent geotechnical information** for the safe development of the site.

CERTIFICATION

- A signature, certification number, and stamp of a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
- A signature, certification number, and stamp of a Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705 if a geological assessment or engineering geology report is incorporated into or included as an appendix to the geotechnical report.
CHAPTER 17.60
FLOOD AND SLOPE HAZARD (FSH) OVERLAY DISTRICT

17.60.00 INTENT

This chapter is intended to promote the public health, safety and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides or degradation of water quality consistent with Statewide Planning Goals 6 (Air, Land and Water Resources Quality) and 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP).

17.60.10 INTERPRETATION AND MAPPING

The Director has the ultimate responsibility for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department. This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

C. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site-specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:
1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
2. 100-year floodplain and floodway boundaries and elevations as determined by the June 17, 2008 FIS for Clackamas County and Incorporated Areas.
3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency’s administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:
   1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
   2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
   3. Required setback areas as defined in section 17.60.30.

B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:
   1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
   2. Removal of refuse and permitted fill.
   3. Planting of native vegetation species included on a list maintained by the Director.
   4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
   5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
   6. Construction or expansion of public facilities or private roads necessary to support permitted development.
   7. Construction or expansion of a single-family residence on a lot-of-record, under the following prescribed conditions:
      a) The applicant must demonstrate that the lot has received planning approval from either Clackamas County or the City of Sandy and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion.
      b) The site review, engineering, erosion control, water quality and re-vegetation standards of this chapter have been fully satisfied.
      c) The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation on restricted development areas.
      d) The maximum impervious surface coverage resulting from development on restricted development areas shall be 2,500 square feet. Exception: This standard may be exceeded to allow a superior private driveway design and location that reduces adverse impacts to protected areas. To exceed the standard, the applicant must
demonstrate that a longer driveway will avoid required setbacks from protected water features, and that driveway construction will either: (a) more closely follow hillside contours and thereby reduce overall cut and fill area by at least 20%; or (b) avoid tree clusters and thereby reduce the number of 6-inch or greater dbh trees that must be removed by at least 20%.

e) The option of an adjustment under Chapter 17.60.100 has been considered as a means of avoiding or minimizing impacts on restricted development areas.

f) Development shall not result in cuts or fills in excess of 3 feet except for basement construction unless specifically approved by the Director.

8. Replacement of a single-family dwelling constructed over substantially the same footprint as the original dwelling.

9. Repair or stabilization of unstable slopes.

10. Stream bank restoration, subject to a stream bank restoration plan. This plan must:
   a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.
   b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
   c) Reduce the steepness of the bank along reaches that have been highly eroded.
   d) Reduce the velocity of water carried by the stream.
   e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.

11. Maintenance of existing landscaping on existing lots of record is permitted and is exempt from the requirements of the FSH Overlay District.

C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.-

17.60.30 REQUIRED SETBACK AREAS

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to and upland from the protected feature.

A. Required Setbacks. The required special setback(s) shall be:
   1. 70 feet from the top of bank of Tickle Creek;
   2. 50 feet from top of bank along other perennial streams, except for “No Name Creek” east of Towle Drive, as provided in Section 17.60.30.C.2 below.
   3. 25 feet around the edge of any mapped locally significant wetland; and
   4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.
B. **Minimize Impacts.** Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.

C. **Exceptions, Intent.** Exception 1 below recognizes that existing hillside, stormwater detention and erosion control measures are sufficient to maintain water quality and quantity in areas of steep slopes separated from streams and wetlands by improved public streets in existing rights-of-way. Exception 2 recognizes that “No Name Creek” east of Towle Drive has been severely impacted by culverting, erosion and invasive plants, and has only a few remaining infill sites adjacent to its banks. This exception is intended to encourage appropriate development of these infill sites and the opening and restoration of this stream reach over time.

1. Land lying within the FSH overlay district, but upland from an existing public right-of-way with an improved public street, shall not be subject to the steep slope restrictions of this chapter. Such land shall remain subject to applicable Section 17.56 Hillside Regulations and shall comply with required setbacks set forth in subsection 17.60.30.A.3 above.

   a. Applications for development that include only areas that meet this exception and have existing improved public streets and have no locally significant mapped wetlands are not subject to the provisions of this chapter.

2. The required setback for “No Name Creek” east of the Towle Drive crossing may be reduced to 25 feet, subject to approval of a “stream bank restoration plan” that meets the standards of Section 17.60.20.B.10.
17.60.40 REVIEW PROCEDURES

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

A. **Type I Procedure.** The following uses shall be reviewed under a Type I procedure:

1. Planting of native plant species identified on the Native Plant list on file with the Director.
2. Removal of permitted fill.
3. Removal of non-native / invasive vegetation, dead or dying vegetation that is hazardous to the public, or up to two trees of 6 inches or greater dbh in a calendar year.

B. **Type II Procedure.** The following uses shall be reviewed under a Type II review procedure:

1. Construction or expansion of major public facilities identified in sanitary, storm, water or street or parks master plans or of minor public facilities necessary to support development, where no other practical alternative exists.
2. Construction or expansion of trails.
3. Construction, expansion or replacement of a new single-family residence within a restricted development area or floodway on a lot of record.
4. Repair and stabilization of unstable slopes. If emergency slope stabilization is required and authorized by the City Engineer, Type II review shall be required within 60 days of having taken the emergency action.
5. Stream bank restoration plans.
6. Exemption of Type II development applications from one or more required reports.
7. Development that is completely outside restricted development areas, as determined by the Director based on site-specific information provided by the applicant consistent with Section 17.60.10.C. Such site-specific information shall remain valid for five years from the date approved by the Director, provided that topographical or hydrological changes have not occurred on the site that could invalidate such information.
8. Development requests that are similar in scope and impact, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.

C. **Type III Procedure.** The Planning Commission shall review all other public and private development requests under a Type III procedure.

17.60.50 SPECIAL REPORTS

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A, the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development, and shall be prepared by professionals in their respective fields.

The Director may require one of more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where...
impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

A. **Hydrology and Soils Report.** This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development’s impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.

B. **Grading Plan.** The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.

C. **Native Vegetation Report.** This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

**17.60.60 APPROVAL STANDARDS AND CONDITIONS**

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

A. **Approval Standards.** The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.

1. **Cumulative Impacts.** Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or
wetlands below conditions existing at the time the development application was submitted.

2. **Impervious Surface Area.** Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.

3. **Construction Materials and Methods.** Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.

4. **Cuts and Fills.** Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.

5. **Minimize Wetland and Stream Impacts.** Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.

6. **Minimize Loss of Native Vegetation.** Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.

**B. Conditions.** The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.

**C. Assurances and Penalties.** Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.

### 17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the 100-year floodplain and floodway.

**A. Habitable Structures.** No new habitable structures or critical facilities shall be permitted in the floodplain.

**B. Flood Storage Capacity.** On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.

**C. Public Facilities and Private Roads.** Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.

1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Utilities necessary to serve permitted development, or a single family home on a legally-approved...
lot-of-record, may be permitted only where a registered professional engineer or architect
certifies that encroachments shall not result in any increase in flood levels during the
occurrence of the base flood discharge, and that water quality will not be adversely
affected.

2. Water and sanitary sewer facilities shall be designed, located and constructed to avoid
infiltration of floodwaters into the system, and to avoid discharges from such facilities to
streams and wetlands.

3. On-site septic systems and private wells shall be prohibited within the FSH overlay
district.

D. Structural Elevation Report. An application for any substantially improved structure or
manufactured dwelling within the 100-year floodplain shall include the level, referenced to
mean sea level, to which the structure will be flood-proofed. The level of the lowest habitable
floor, and any basement area (whether or not habitable) shall also be provided. A
professional engineer registered in Oregon shall prepare the structural elevation report.

E. Existing Residential Structures. New construction and substantial improvements to an
existing residential structure in a flood-prone area shall comply with the following:
1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral
movement resulting from hydrodynamic and hydrostatic loads, including the effects of
buoyancy;
2. Materials used shall be resistant to flood damage;
3. Utilities shall be designed and/or located to prevent water from entering or accumulating
within the components during flooding;
4. The lowest floor (including basement) shall be elevated at or above the base flood level;
5. Fully enclosed areas below the lowest floor used for vehicle parking or building access or
storage in an area other than a basement shall be designed to automatically equalize
hydrostatic flood forces on exterior walls by allowing for the entry and exit of
floodwaters shall either be designed and certified by a registered professional engineer or
architect or meet or exceed the following minimum criteria;

   a. A minimum of two openings having a total net area of not less than one square inch
      for every square foot of enclosed area subject to flooding shall be provided. The
      bottom of all openings shall be no higher than one foot above grade. Openings may
      be equipped with screens, louvers, valves, or other coverings or devices provided that
      they permit the automatic entry and exit of floodwaters.

F. Existing Non-Residential Structures. New construction and substantial improvements to
existing non-residential structures within the floodplain shall comply with one of the
following:
1. Elevate the lowest floor (including basement) above the base flood level;
2. Walls and utilities of structures below the base flood level shall be watertight with
structural components having the capability of resisting hydrostatic and hydrodynamic
loads and effects of buoyancy. A registered professional engineer or architect shall
develop and/or review structural design, specifications, and plans for the construction,
and shall certify that the design and methods of construction are in accordance with
accepted standards of practice for meeting the applicable provisions of NFIP Regulations.
G. Recreational Vehicles. Recreational Vehicles within the floodplain shall comply with one of the following:
   1. Be located on the site for fewer than 180 consecutive days;
   2. Be fully licensed and ready for highway use; or
   3. Meet the elevation and anchoring requirements for manufactured homes and permit requirements of NFIP Regulations.

17.60.80 WATER QUALITY TREATMENT FACILITIES

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site.

B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

17.60.90 DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.

B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.

C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.

D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms “primary property” identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.100 ADJUSTMENTS

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

A. Adjustment Option. One or more adjustments to the setback, height or lot area standards of the underlying zoning district may be approved to allow development consistent with the
intent of the FSH overlay district. The intent of the adjustment process is to reduce adverse impacts on water quantity and quality, locally significant wetlands and perennial streams, and on the potential for slope or flood hazards.

B. Adjustment Criteria. A special FSH adjustment may be requested when development is proposed within the FSH overlay district. Adjustments are reviewed under the procedure type applicable to the primary application. The applicant shall demonstrate that the following criteria are fully satisfied:

1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to restricted development areas.
2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on restricted development areas.
3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of residences close to streets to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking area and garage space.
4. In no case shall the impervious surface area (including the building footprint, parking areas, accessory structures, swimming pools and patios) exceed 2,500 square feet of restricted development area except for a private drive that reduces the disturbance to restricted development areas.
5. Assurances are in place to guarantee that future development will not encroach further onto restricted development areas under the same ownership.
6. The Planning Commission or Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise restricted development areas.

17.60.110 DISCLAIMER

The degree of hazard protection afforded by adherence to the provisions of this chapter is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the chapter may occur. Landslides may occur on rare occasions in areas outside of the delineated steep slope and constrained slope boundaries. This chapter does not imply that areas outside FSH overlay district or land use permitted within FSH boundaries will be free from any significant flooding, mass movement, landslide damage, erosion or water pollution. This chapter shall not create liability on the part of the City of Sandy for any damage that results from reliance on the provisions of this chapter or any administrative decision lawfully made thereunder.
CHAPTER 17.62
CULTURAL AND HISTORIC RESOURCES

17.62.00 INTENT

This chapter is intended to provide procedures to protect and preserve structures, sites and objects that represent a historical or cultural resource to the community and to provide appropriate means for their protection and preservation. Any use, renovation, maintenance or other alteration proposal shall be reviewed as required depending upon the required program for preservation. The regulations are intended to:

A. Preserve, enhance and perpetuate landmarks and districts, which represent or reflect elements of the city’s cultural, social, economic, political and architectural history.

B. Safeguard the city’s historic, aesthetic and cultural heritage as embodied and reflected in said landmarks and districts.

C. Complement any National Register properties or historic districts.

D. Stabilize and improve property values in such districts.

E. Foster civic pride in the beauty and accomplishments of the past.

F. Protect and enhance the city’s attraction to tourists and visitors and the support and stimulus to business and industry thereby provided.

G. Strengthen the economy of the city.

H. Promote the preservation of cultural and historic resources and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city’s current and future citizens.

17.62.10 AREA OF APPLICATION

A Cultural or Historic Resource (CHR) designation may be applied to any site, structure or place in any zone. The application of the CHR designation shall be considered on a case-by-case basis based upon the criteria set forth in this chapter. Any use, renovation, maintenance, or other alteration proposal shall be reviewed as required depending upon the requested program for preservation.

The property owner may offer evidence on the effect of a CHR designation on the use of the property including the economic impact, loss of revenue or valuation, costs of renovation and maintenance, ease of marketing, and so on. The Planning Commission and City Council must weigh any individual inconvenience against the importance to the community of maintaining the resource in whole or in part.

17.62.20 DESIGNATION PROCEDURE

A. The property owner or the City may request designation as a CHR for any specific site, structure or object. That person shall be considered the applicant and shall be required to pay all the fees, including costs of any studies or special reports associated with the application.
Applications shall be considered a zone change and shall be reviewed as a Type IV procedure. In addition to any other notice required, the property owner shall be notified by certified mail of any pending action when the property owner is not the applicant.

B. No building, alteration, demolition or removal permits for any structure or site shall be issued while an application or any appeal is pending.

17.62.30 CRITERIA FOR DESIGNATION

The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular object, site, structure or place merits a CHR designation. In order to designate a CHR, the Planning Commission and City Council must find, through an Economic, Social, Environmental and Energy (ESEE) analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.

A. Association with historic or famous events; or

B. Unique architectural design or mode of construction because of:
   1. Representative character of a period or a particular architectural style, building type or method of construction.
   2. Extraordinary or unusual architectural merit by reason of design, detail, use of materials or craftsmanship or
   3. Identification as the work of an architect, designer or master builder whose individual work has influenced development in the nation, state or community; or
   4. Significance as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material or method of construction.
   5. Age of resource, or

C. Inclusion in an official Register of Historic Places; or

D. Relationship to the broad cultural history of the nation, state or community; or

E. Identification with a person or persons who have significantly contributed to the history of the city; or

F. Identification as a unique object representing an aesthetic or educational feature of the community.

G. Archaeological site designation.

H. Environmental Significance.
   1. Significance as a visual landmark.
   2. Integrity of surrounding land-use of the historic period represented.
   3. Significance because the resource contributes to the continuity of historical character of the street, neighborhood and/or community.

17.62.40 PROGRAM TO PRESERVE A SPECIFIC RESOURCE

The Planning Commission and City Council shall determine the most appropriate means to preserve and protect the feature or features of the resource determined to be significant. The program may include any of the following or any other program determined to be appropriate:
A. Site or Structure Preservation. The City Council, upon a recommendation from Planning Commission, may determine that site or structure is so important as a community resource that it should be preserved as nearly as possible in its original condition.

1. Permitted Uses
   a) In any site or structure designated CHR, all uses permitted outright in the underlying district shall be permitted.
   b) In addition, Planning Commission may authorize any use as a conditional use which can be shown to contribute to the preservation or reuse of the site or structure, subject to the criteria of Chapter 17.68 Conditional use.
   c) Any proposal for construction, alteration or renovation for any site or structure designated CHR shall be referred to the Planning Commission and reviewed using the standards of the Secretary of the Interior of Rehabilitation of Historic Structures as a guideline. The State Historic Preservation Office shall also be consulted.

B. Facade Easements. The City may accept facade easements for all or part of a structure as a method for retaining the original appearance of the structure, which has been determined to the architecturally significant or other methods, deemed appropriate by the Planning Commission.

C. Identification. Require that a sign be placed by the property owner or with the property owner’s permission to identify the site or structure as a CHR. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to the requirements of SMC 15.32.

D. Archival Record. The City Council may order the preparation of a file to include, where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.

17.62.50 DESIGNATION OF A HISTORIC DISTRICT

In order to designate a geographic area as a historic district, the Planning Commission and City Council shall find that:

A. The area includes a significant concentration or linkage of sites, building, structures or objects, which are unified visually by style, plan or physical development and distinguished by association with historic periods, events, people or cultural trends.

B. The area is of sufficient size and scope, and the component parts are cohesive enough to adequately represent, demonstrate or commemorate the significant historic period, event, people or trend.

17.62.60 EXTERIOR ALTERATIONS

The Director may approve any application for building permit for interior remodeling or ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material or appearance. If the proposed work involves a change in design, material or appearance or is beyond the normal scope of maintenance and repair, the Director may refer the application to the Planning Commission for additional review.
Alterations, maintenance and repair, which may be approved without a Type III or Type IV hearing include, but are not limited to:

A. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.

B. Repairing or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark.

C. Replacement of siding, when required due to deterioration of material, with material that is in character with the original siding.

D. Repair and/or replacement of roof materials with the same kind of roof material existing, or with materials which are in character with those of the original roof.

E. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames, which complement or match the color detail and proportion of the building.

F. Replacement of existing sashes with new sashes, when using material, which is consistent with the original historic material and appearance.

G. Painting and related preparation.

H. Site maintenance such as pruning landscaping maintenance, brush clearing and removal of debris.

17.62.70 EMERGENCY REPAIRS

The Director may authorize emergency repairs or any construction, reconstruction, demolition or removal of any architectural features identified by the Building Official as necessary to protect the public from unsafe or dangerous conditions.

17.62.80 PROCEDURE FOR DEMOLITION

A. If an application for a permit to demolish a designated landmark or any building within a designated historic district is received the Building Official shall transmit a copy of the application within 7 days to the Director.

B. Prior to the issuance of permit for demolition the Director shall first determine that the applicant has met the following conditions:
   1. Applicant has advertised said building for sale and/or removal from the site with an advertisement running twice over two consecutive weeks in a newspaper of general circulation.
   2. Applicant has not refused the highest bona fide offer.
   3. Applicant has posted a sign indicating that the property is for sale pending demolition through a continuous period of ninety days from the date of application. The sign must be posted in a prominent and conspicuous place within 10 feet of a public street abutting the premises.
C. If after ninety days no party is interested in purchasing or moving the property, the Director shall refer any request for demolition of a site or structure designated CHR to the Planning Commission as a Type IV quasi-judicial procedure.

D. The Planning Commission shall make a recommendation based upon the criteria in this chapter.

E. The decision of the Planning Commission shall be forwarded to the City Council for action. The City Council shall hold a public hearing to consider the record from the Planning Commission meeting and any additional evidence not available at the Planning Commission hearing at a public hearing.

F. The City Council shall make written findings to support any decision. If City Council determines that the public need is best served by granting a demolition permit, it may require that:

1) A sign must be placed by the property owner or with the property owner’s permission to identify the site or structure as a CHR. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to the requirements of SMC 15.32.

2) The City Council may order the preparation of a file to include, where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.

3) Preservation of certain features for reuse.

G. When a request for demolition is approved, an ordinance removing the CHR designation shall be passed, and the CHR designation removed and so noted in the Comprehensive Plan and inventory.

17.62.90 CRITERIA FOR DEMOLITION OR REMOVAL OF CHR DESIGNATION

The importance to the public of retaining the object, site or structure shall be weighed against the hardship to the owner and any potential hazard to the public if the site or structure is to be retained.

The demolition of a historic building is an irrecoverable loss to the community, therefore special criteria are established and shall be considered before issuing a permit for demolition.

The Planning Commission and City Council shall make findings based on, but not limited to, the following:

A. The historic or architectural significance of the landmark.

B. The physical condition of the building.

C. The economic use of the building and economic reuse of the property.

D. The proposed new use.
E. The economic, social, environmental and energy consequences of allowing the demolition as opposed to preserving the historic building.

F. If within a historic district, its contribution to the district and the subsequent integrity of the district once the structure is demolished.
CHAPTER 17.64
PLANNED DEVELOPMENT

17.64.00 INTENT

The Planned Development regulations are intended to:

A. Refine and implement village development patterns designated “V” on the Comprehensive Plan Map.
B. Allow the relocation of zones within designated villages, provided that the overall intent of the village designation is maintained.
C. Allow a mixture of densities between base zones within the planned development.
D. Promote flexibility in site planning and architectural design, placement, and clustering of structures.
E. Provide for efficient use of public facilities and energy.
F. Encourage the conservation of natural features.
G. Provide usable and suitable recreation facilities and public or common facilities.
H. Allow coordination of architectural styles, building forms and relationships.
I. Promote attractive and functional business environments in non-residential zones, which are compatibility with surrounding development.

17.64.10 GENERAL PROVISIONS

A. Combined Review. The procedures of this chapter require review of both a Conceptual Development Plan and a Detailed Development Plan. Requests may be made sequentially or for a combined review. In the event of a combined review, the Planning Commission shall forward a recommendation regarding the plans to the City Council, and the City Council shall make a final decision approving, approving with conditions or denying the application.
B. Development Permit Issuance. Development permits are only issued following approval of a Detailed Development Plan.
C. Planned Development Required if relocating Village zones. Areas designated “V” on the Comprehensive Plan Map require a planned development application if any zone relocation is requested. Development consistent with the “V” base zoning may proceed under the base zone provisions, subject to design review, without application for a planned development.

17.64.20 AREAS OF APPLICATION

Planned developments are allowed in all zones.

17.64.30 DEVELOPMENT STANDARDS

A. Variation from Development Code Standards Generally. The development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review. The Planned Development and Specific Area Plan review processes allow modification of development code standards that are dimensional and/or quantitative, however a base zone’s minimum density is not eligible for modification under any circumstances, including a modification under Chapter 17.66.
B. Minimum Site Area. A planned development may be established on any parcel of land, or on more than one parcel of land if those parcels are abutting.

17.64.40 DENSITY CALCULATION

The maximum number of allowable dwelling units shall be the sum of densities allowed by the underlying zone(s) unless an increase is authorized as otherwise allowed in this chapter.

A. Residential Zones. The calculation is based on a determination of gross site area and the acreage of any restricted development areas (as defined by Chapter 17.60). A specific determination of density shall be made pursuant to Chapter 17.30. When a PD is located in more than one “R” zone, the total allowed number of units is the sum of the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.

B. Commercial and Industrial Zones. The allowed density is only restricted by the provisions of the base zone with respect to parking, setbacks, landscaping, etc., or as modified during Detailed Development Plan review.

C. Increase in Density. An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding that the Planned Development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning.

D. Density Transfer. A transfer of density may be allowed by the Planning Commission when consistent with the review criteria of Chapter 17.64.100 C. Density may be transferred across zone district boundaries.

E. Reconfiguration of Village Zones. Reconfiguration of the base zones within a Village may be modified through the Conceptual Development review process, provided that no more than a 20% change in acreage results between existing and proposed residential and non-residential zones. The intent of this provision is to allow flexibility and potential for improved Village design through the planned development process.

17.64.50 OPEN SPACE AND PARKLAND

All Planned Developments shall provide a minimum percentage of the total area in open space as specified below. In addition to required open space, all Planned Developments that include residential housing shall also provide a required parkland dedication as specified in Chapter 17.86.

A. Residential Zones. A minimum of 25% of the total site area.

B. Commercial or Industrial Zones. A minimum of 15% of the total tract area.

C. Payment in Lieu of Dedication. At the city’s discretion only, the city may accept payment of a fee in lieu of land dedication. The amount of the fee in lieu of land dedication (in dollars per acre) shall set by City Council Resolution or determined by a current land appraisal. The City may also allow open space land donation requirements to be fulfilled on another parcel.

D. The following factors shall be used in the choice of whether to accept land or cash in lieu:
   a. The topography, geology, access to, parcel size, and location of land to be dedicated;
   b. Potential adverse/beneficial effects on environmentally sensitive areas;
c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
d. Availability of previously acquired property; and
e. The feasibility of dedication.

E. The types of open space that may be provided are as follows:

a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

F. Dedication Procedures. Open space as part of Planned Development application shall be dedicated according to the requirements of Section 17.86.50.

17.64.60 ALLOWED USES

A. Residential Districts:
   1. Uses permitted in the underlying district
   2. Housing types may include, but are not limited to, single family dwellings, duplexes, row houses, clustered dwelling units, multiple family dwellings, or manufactured dwellings.
   3. Related commercial uses as part of the development
   4. Related community service uses as part of the development
   5. Accessory buildings and uses

B. Commercial Districts:
   1. Uses permitted in the underlying district
   2. Community service uses
   3. Other uses approved as part of the Detailed Development Plan
   4. Accessory buildings and uses

17.64.70 OFFICIAL ZONING MAP

When a Planned Development project has been approved, the official Zoning Map shall be amended by ordinance to denote the new “PD” Planned Development overlay designation. Such an amendment is a ministerial act, and Chapter 17.26, Zoning District Amendments, shall not apply when the map is amended to denote a PD overlay.

17.64.80 CONCEPTUAL DEVELOPMENT PLAN PROCEDURE

A. The Planning Commission shall review the Conceptual Development Plan at a public hearing and forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.

B. The City Council shall review the recommendation at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application. Approval of the Conceptual Development Plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise locations of uses nor engineering feasibility.
C. If an affirmative decision is made, the City Council shall adopt findings that specify how the application has or has not complied with this chapter’s standards, as well as any other relevant standards, and approve the request by an ordinance that amends the Zoning Map.

D. Within 12 months of approval of the Conceptual Development Plan, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan.

17.64.90 CONCEPTUAL DEVELOPMENT PLAN APPLICATION

A Conceptual Development Plan is intended as a general guide to land use, transportation and utility placement within a planned development. A Conceptual Development Plan application requires significantly less detail than a Detailed Development Plan.

A. Application Requirements. An application for Conceptual Development Plan review shall be made on forms provided by the Director. The person filing the application must be the owner or a person having an interest in the land to be included in the Planned Development. If the Planned Development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having an interest in each of the separately owned properties to be included.

The application shall be accompanied by the following:

- 20 copies of the required narrative.
- 20 sets of full-scaled black line drawings of the conceptual development plan graphic(s) drawn at a typical engineering scale.
- One set of plans reduced to 8 ½” by 11” sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
- List and mailing labels of all affected property owners within 300 feet.
- List of all proposed deviations from City development standards.

B. Additional Submittals. A Conceptual Development Plan shall include the following information where applicable:

1. Existing land use map (typically a topographic map that extends at least 300 feet beyond the site). The map shall include building footprints and make a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools.
2. Site plan(s) and other graphics drawn to scale. The site plan(s) shall contain the following:
   a) Title sheet, date, north arrow, and legend
   b) Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
   c) Boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions.
   d) General location of existing and proposed land uses, including residential densities and non-residential building types. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
   e) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
   f) Existing and proposed general circulation system including collector and arterial streets and major points of access to public rights-of-way and adjacent property.
Notations of proposed ownership (public or private) should be included where appropriate.
g) General pedestrian and bicycle circulation system, including its interrelationship with the motor vehicular system and indicating proposed treatments at existing or potential points of conflict.
h) Existing and proposed utility systems including sanitary sewer, water, storm sewer, and drainage ways.
i) Sufficient information on land areas within at least 300 ft. of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.

The Director may waive any of the above requirements or require additional information when deemed necessary to properly evaluate the proposed Planned Development.

C. Narrative Requirements for a Conceptual Development Plan. A written statement shall be provided, including the following information:

1. Statement of objectives to be achieved by the Planned Development. This statement should indicate:
   • A description of the character of the proposed development.
   • The rationale behind the design assumptions and choices made.
   • The rationale behind any design change to an existing Village and reasons why the proposal is superior.
   • A discussion indicating how the application meets the review criteria in 17.64.100 below.

2. Statement of intentions with regard to future sale or lease of all or portions of the Planned Development.

3. Quantitative data for the following, where appropriate:
   • Total number and type of dwelling units
   • Parcel size(s)
   • Proposed lot coverage of buildings and structures where known
   • Gross densities per acre
   • Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas)
   • Total amount of nonresidential construction

4. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as parks, open space improvements, pedestrian connections, irrigation, private roads and drives, landscape, and maintenance.

5. Description of how the Planned Development contributes to the completion and connectivity of the pedestrian and vehicular circulation system.

17.64.100 CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCESS

A. Acceptance of Application. The Director shall review the application in accordance with Chapter 17.18 – Processing Applications.

B. Staff Evaluation. The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a
recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

C. **Review Criteria for Conceptual Development Plan.** Requests for approval of a Conceptual Development Plan shall be reviewed to:
   1. Assure consistency with the Intent of this chapter;
   2. Assure compliance with the General Provisions, Development Standards and Application provisions of this chapter; and
   3. When located in a Village, assure consistency with the appropriate Comprehensive Plan policies for Village designations.

D. **Major Modification(s) of a Conceptual Development Plan.** A major modification to an approved Conceptual Development Plan must be processed as a new CDP application. Major Modifications include:
   1. Changes in proposed land use
   2. More than a 5 percent increase in dwelling unit density
   3. Substantial change in building elevation or materials
   4. Substantial changes in type and location of access ways and parking areas where off-site traffic would be negatively affected
   5. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified
   6. Reduction of more than 10 percent of the area reserved for common open space and/or usable open space from what was previously specified
   7. Increase in the total ground area proposed to be covered by structures by more than 5 percent from what was previously specified
   8. Reduction of specific setback requirements by more than 20 percent from what was previously specified
   9. Reduction of project amenities provided, such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified
   10. Any other modification to specific requirements established at the time of Conceptual Development Plan approval

E. **Minor Modification(s) of a Conceptual Development Plan.** Minor Modifications may include any of the changes listed in Section 17.64.100 D above, provided that the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.

F. **Application for Major Modification(s) of a Conceptual Development Plan**
   1. An applicant may petition for review of an approved PD for purposes of modification(s), stating reasons for the change.
   2. Where the Director determines that the proposed change is a Major Modification from one or more of the review criteria listed above in 17.64.100 D, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 17.20-Public Hearings.
   3. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Conceptual Development Plan submittal and review. The Commission shall consider the review criteria in 17.64.100 C to determine whether to authorize a Major Modification.
   4. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Conceptual Development Plan and
forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.

5. The City Council shall consider the petition for modification at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application.

6. If an affirmative decision is made, the City Council shall approve the modification by an ordinance.

7. Within 12 months of approval of a Major Modification, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan as modified.

17.64.110 DETAILED DEVELOPMENT PLAN PROCEDURE

A. If the Detailed Development Plan will involve the subdivision of land, the applicant shall prepare and submit a tentative subdivision plat along with the Detailed Development Plan to be considered at the same time.

B. The Planning Commission shall review the Detailed Development Plan at a public hearing and may approve, approve with modifications or deny the application.

17.64.120 DETAILED DEVELOPMENT PLAN APPLICATION

A Detailed Development Plan is intended as a master plan for land use, transportation and utility placement within a planned development. A Detailed Development Plan application follows an approved Conceptual Development Plan or both applications may be submitted simultaneously. Where land divisions are proposed, the Detailed Development Plan shall be combined with a Tentative Subdivision Plat application according the requirements of Chapter 17.100. An application for a Detailed Development Plan shall be reviewed in accordance with the following procedures:

A. Application Requirements. An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan as listed above and shall also include the following:

1. Graphic Requirements
   a) Topographic contours at two-foot intervals for slopes under 15 percent and at five-foot intervals for slopes at or greater than 15 percent. A grading plan is required to show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters.
   b) Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, gross density per acre (for residential developments).
   c) Detailed utility plan indicating how sanitary sewer, water, storm sewer, and drainage systems will function.
   d) Location of existing utilities, including existing fire hydrants, overhead utility lines in the abutting right of way, easements and walkways.
   e) Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
   f) Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, location and design of
proposed landscaped areas, quantities, varieties, quantities, and sizes of trees and plant materials to be planted, other landscape features including walks and fences, and irrigation systems required to maintain plant materials.

**g)** Circulation plan showing street, driveway, parking area, service area, loading area, pedestrian way and bikeway improvements, their dimensions and connectivity to surrounding parcels, existing and proposed streets.

**h)** Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas.

**i)** Exterior lighting plan indicating the location, size, height, typical design, material, and method and direction of illumination.

**j)** Concurrent Design Review graphic elements

**B. Narrative Requirements for a Detailed Development Plan.** In addition to the narrative requirements specified for a Conceptual Development Plan, the Detailed Development Plan narrative shall also include:

1. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (in ratio to gross floor area or number of units).

2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.

3. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

4. Statement describing project phasing, if proposed. Phases shall be:
   a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
   b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
   c) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.

5. Statement of “substantial compliance” with the Conceptual Development Plan.

**C. Minor Modification(s) of a Detailed Development Plan.** Minor Modifications to a Detailed Development Plan may include any of the changes listed in Section 17.64.100(D), provided the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.

**D. Major Modification(s) of a Detailed Development Plan.** Major Modifications to a Detailed Development Plan shall not be permitted. A new application must be submitted in order to make Major Modifications to a Detailed Development Plan.

Revised by Ordinance 2005-02 effective 2/22/05
17.64.130 APPEALS

A. The decision of the Director or Planning Commission may be appealed in accordance with the provisions of Chapter 17.28-Appeals.

B. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall only be heard by the City Council for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

17.64.140 EFFECTIVE PERIOD OF APPROVAL

A. Conceptual Development Plan. Approval of a Conceptual Development Plan shall be valid for a 12-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.

B. Detailed Development Plan.
   1. Approval of a Detailed Development Plan shall be valid for a 24-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.
   2. When a Detailed Development Plan is submitted and approved for a single phase, 24-month periods are allowed for submission of each subsequent phase. If the applicant has not begun construction within this time frame, all approvals shall expire.
   3. When shown that conditions have not changed, the Commission may extend the approval for two additional years at its discretion and without a public hearing.
   4. Total elapsed time for submission of Detailed Plans for all phases of a Planned Development shall not exceed ten years from the date of Conceptual Development Plan approval (or the initial Detailed Development Plan approval in the case of a concurrent application), including extensions.

17.64.150 NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer in writing. Thereafter, the city may issue orders to the developer within the range of discretion available, and upon continued noncompliance may withhold building permits for further construction or revoke those permits previously issued until compliance is achieved, or pursue any other remedies available to the City.

17.64.160 PLANNED DEVELOPMENT NULLIFICATION

If no development has occurred for an approved Planned development, and development plan approval has expired under 17.64.140, an applicant may seek to have the PD zoning overlay designation removed from the subject property.

A. Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application on a form provided by the Director.
   1. The City Council shall conduct a public hearing and provide notice of the hearing and the decision in accordance with Chapter 17.20-Public Hearings.
B. The burden of proof is placed on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
1. Developing the property under conventional district standards and regulations will not create nonconforming development.
2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
3. Conditions attached to the approved Planned Development by the hearing authority can be met or are no longer necessary.
4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the city, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

C. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Zoning District Map after the appeal period has expired. The removal of the designation from the map shall be a ministerial act and shall not implicate Chapter 17.26, Zoning District Amendments.