

## Chapter 4.2 Land Use Review and Site Design Review

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### **4.2.100 Purpose**

The purpose of this Chapter is to:

1. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;
2. Carry out the development pattern and plan of the City and its comprehensive plan policies;
3. Promote the public health, safety and general welfare;
4. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
5. Encourage the conservation of energy resources; and
6. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

### 4.2.200 Applicability

Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

**A. Land Use Review.** Land Use Review is a review conducted by the Community Development Director or designee without a public hearing (Type I or II). (See Chapter 4.1 for review procedure.) It is for changes in land use and developments that do not require a conditional use permit or site design review approval. Land Use Review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of Chapter 2. Land Use Review is required for all of the types of land uses and development listed below. Land uses and developments exceeding the thresholds below require Site Design Review.

1. Change in occupancy from one type of land use to a different land use;
2. Single-family detached dwelling (including manufactured home on its own lot);
3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;
4. Non-residential building additions up to 1000 square feet, or 50% of an existing structure;
5. Minor Modifications to development approvals as defined by Chapter 4.6;
6. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 - Conditional Use Permits;
7. Home occupations requiring a permit under Chapter 2.2.200.G;
8. Temporary uses requiring a permit under Chapter 4.9;
9. Accessory structures and accessory parking;
10. Development and land uses that are part of a previously approved Site Design Review or Conditional Use Permit application;
11. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the Community Development Director).

**B. Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Commission with a public hearing (Type III Quasi-Judicial Review). (See Chapter 4.1 for review procedure.) It applies to all development in the City, except those specifically listed under “A” above (applications subject to Land Use Review). Site Design Review ensures compliance with the land use and development standards in Chapter 2 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Chapter 3.

#### **4.2.300 Land Use Review Procedure and Approval Criteria**

When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the Community Development Director. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in Sections 4.1.200 and 4.1.300. A Type I procedure shall be used when the Community Development Director finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The Community Development Director shall be responsible for determining the required review procedure.

An application for Land Use Review shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by the underlying land use district (Chapter 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Chapter 2); and
3. When development is proposed, the applicable sections of Chapter 3, Design Standards apply.

Land Use Reviews do not address a project’s compliance with applicable building, fire and life safety regulations.

#### **4.2.400 Site Design Review - Application Review Procedure**

Where Site Design Review is required, it shall be conducted using a Type III procedure, consistent with Section 4.1.400, and using the application requirements and approval criteria contained in Sections 4.2.500 through 4.2.600, below.

#### 4.2.500 Site Design Review - Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

**A. General Submission Requirements.** An application for Site Design Review shall contain all of the information required for a Type III review under Section 4.1.400, and provide:

1. Public Facilities and Services Impact Study, if required by the City and/or service provider to quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the recommended pre-application conference (Section 4.1.600C). The study may address the transportation system, including street access, pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;
2. Traffic Impact Study, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 4.1.900; and
3. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

**B. Site Design Review Information.** In addition to the general submission requirements for a Type III review (Section 4.1.400) an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the Community Development Director. The Community Development Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:

1. Site analysis map. At a minimum the site analysis map shall contain the following:
  - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
  - b. Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;
  - c. Identification of slopes greater than 15 percent;

- d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  - e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
  - f. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
  - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
  - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
  - i. The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
  - j. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
  - k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
2. Proposed site plan. The site plan shall contain the following information:
- a. The proposed development site, including boundaries, dimensions, and gross area;
  - b. Features identified on the existing site analysis maps that are proposed to remain on the site;
  - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
  - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  - e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
  - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
  - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  - i. Loading and service areas for waste disposal, loading and delivery;
  - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
  - k. Location, type, and height of outdoor lighting;
  - l. Location of mail boxes, if known;
  - m. Name and address of project designer, if applicable;
  - n. Locations of bus stops and other public or private transportation facilities;
  - o. Locations, sizes, and types of signs;
  - p. Location of utility connections and pipe sizes.
3. Architectural drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:
- a. Building elevations (as determined by the Community Development Director) with building height and width dimensions;
  - b. Building floor plans with dimensions and use of rooms;
  - b. Building materials, colors and type;
  - c. The name of the architect or designer.
4. Preliminary grading plan. A preliminary grading plan shall be required for development sites ½ acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.400. A Hillside Development Permit may be required for any property showing greater than 15 percent grade change (see Chapter 3.7.100).
5. Landscape plan. A landscape plan may be required and at the direction of the Community Development Director shall show the following:

- a. The location and height of existing and proposed fences, buffering or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
  - d. Existing and proposed building and pavement outlines;
  - e. Specifications for irrigation (may be automatic or other approved method of irrigation) and anticipated planting schedule;
  - f. Other information as deemed appropriate by the Community Development Director. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2 Landscape, Street Trees, Fences and Walls of this Code.
6. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.8).
  7. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.
  8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.600 Approval Criteria.
  9. Traffic Impact Study, when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.9, and Section 3.4.1 for relevant standards.
  10. State Highway Access Permit. A copy of an approved State Access Permit shall be submitted for any proposal creating a new access or changing an existing access onto a State Highway;
  11. Other information determined by the Community Development Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this Code.

#### 4.2.600 Site Design Review Approval Criteria

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.
2. The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
4. The application complies with all of the Design Standards in Chapter 3:
  - a. Chapter 3.1 - Access and Circulation;
  - b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
  - c. Chapter 3.3 - Parking and Loading;
  - d. Chapter 3.4 - Public Facilities;
  - e. Chapter 3.5 - Surface Water Management;
  - f. Chapter 3.6 - Other Standards, as applicable;
  - g. Chapter 3.7 – Sensitive Lands
5. Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.

#### 4.2.700 Bonding and Assurances

**A. Performance (or “Completion”) Bonds for Public Improvements.** On all projects where public improvements are required, the City shall require a bond in an amount equal to the contract amount of the public improvements as a condition of site development approval in order to guarantee the public improvements. The City shall be named “obligee” on all bonds.

- B. Release of Performance Bonds.** The bond or assurance shall be released at the end of a one-year warranty period, which shall begin when the Community Development Director finds the completed project conforms to the site development approval, including all conditions of approval.
- C. Completion of Landscape Installation.** Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 150% of the cost of the landscaping as determined by the Community Development Director or a qualified landscape architect is filed with the Community Development Director assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

#### **4.2.800 Development in Accordance With Permit Approval; Modifications; Permit Expiration**

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City shall require the applicant to enter into a development agreement (e.g., for phased developments and developments with required public improvements), and shall require bonding or other assurances for improvements, in accordance with Section 4.2.700.

Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

- A. Modifications to Approved Plans and Developments.** Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I procedure and require only Land Use Review. Major modifications, as defined in Chapter 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.
- B. Approval Period.** Land Use Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:
1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
  2. Construction on the site is in violation of the approved plan.
- C. Extension.** The Community Development Director shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:
1. No changes are made on the original approved site design review plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;
3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
4. The applicant demonstrates that failure to obtain building permits within one year of site design approval was beyond the applicant's control.

**D. Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 3 years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
  - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
  - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Planning Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
  - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
  - d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).