

15-2.21-4. SENSITIVE AREA REGULATIONS - SLOPE PROTECTION.

The following Slope protection provisions apply in the Sensitive Area Overlay Zone:

(A) **PROHIBITIONS.** No Development is allowed on or within fifty feet (50') (map distance) of Very Steep Slopes, Areas subject to landsliding, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically (upslope or downslope) and fifty feet (50') horizontally in any direction to be subject to this prohibition.

The Planning Commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:

- (1) Varying the Setback does not create an intrusion of Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points (15-2-2.1(A)(4) or other Vantage Points designated by the Planning staff or Commission (15-2.21-3(B));
- (2) Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to sections 15-2.21-4(B), (C), and (E);
- (3) Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation or backfill Area, whichever is greater;
- (4) No additional erosion, land subsidence, or avalanche hazard is created;
- (5) The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;
- (6) The reduction in Setback results in a reduction in overall project Density as established by the Planning Commission's suitability review; and
- (7) In no case shall additional disturbance be allowed beyond the maximum determined in the suitability analysis. See definition of Development, LMC Chapter 15-15.

(B) **GRADED OR FILLED SLOPES.** The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be recontoured to the natural, varied contour of surrounding terrain.

(C) **BENCHING OR TERRACING.** Benching or terracing to provide additional or larger Building Sites is prohibited.

(D) **STREETS AND ROADS.** Streets and roads, proposed for Steep Slopes may not:

(1) cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Community Development Director and the City Engineer concludes that such Streets or roads will not have significant adverse visual, environmental, or safety impacts.

(2) Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following:

(a) Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and

(b) Such Street and road design follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation.

(3) Cutting and filling is minimized and revegetated.

(E) **RETAINING WALLS.** The use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.

(F) **LANDSCAPING AND REVEGETATION.** An Applicant must commit to landscaping or revegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

(G) **PRIVATE DEVELOPMENT DESIGN STANDARDS.** All Development on Steeps Slopes shall comply with the design standards set forth in LMC Chapter 15-5.

(H) **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%).** In addition to the specific Development regulations set forth above, the following regulations apply:

(1) **OPEN SPACE.** Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.

(2) **DEVELOPABLE LAND.** Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:

(a) **MAXIMUM DENSITY.** The maximum Density on Developable Land within a Steep Slope Area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental affect on the community.

(b) **LOCATION OF DEVELOPABLE LAND.** The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts. The Applicant must provide a visual and environmental analysis considering the visual impact from key

Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria. Based upon such analysis, the Community Development Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:

(i) Clustered Development, or

(ii) dispersed Development, or

(iii) transfer of Density to the least sensitive portions of the Site. (Development shall be Sited to preserve the open meadow vistas)

(c) **DENSITY TRANSFER.** Upon proof of a sensitive Site plan, the Applicant may transfer up to twenty-five percent (25%) of the Densities from the Open Space portion of the Site to the Developable Land.

(d) **SUITABILITY DETERMINATION.** The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this Chapter if the Applicant proves:

(i) The Density is Compatible with that of adjacent Properties.

(ii) The Architectural Detail, Height, building materials, and other design features of the Development are Compatible with adjacent Properties.

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

(I) OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.

(1) **REQUIRED OPEN SPACE.** One hundred percent (100%) of the Very Steep Slope Area shall remain in Open Space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed.

(2) **TRANSFER OF DENSITY.** Up to ten percent (10%) of the Densities otherwise allowed in the zone may be transferred to other portions of the Site, including delineated sensitive Areas. The density transfer shall be subject to a Suitability Determination.

(J) MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS. The Planning Commission at master plan or subdivision approval, may reduce the TDR Open Space requirements upon a determination that:

(1) the sensitive Area Open Space set aside is sufficient for the Development, and

(2) sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development.

(3) in no case shall less than twenty percent (20%) of the Developable Land be set aside for TDR Open Space.

(K) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, the Community Development Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable densities if the Applicant:

(1) offers to preserve Open Space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or

(2) provides public Access as shown on the Trails Master Plan; or

(3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

(Chapter amended by Ord. No. 05-40)