

**10-9B-1: LEGISLATIVE INTENT:**

The general purpose of the Critical Environment 3 (CE-3) zone is to promote safe, environmentally sensitive, development that balances the rights and long-term interests of property owners and those of the general public. These standards are intended to:

- A. Preserve and maintain the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein.
- B. Protect public health and safety by adopting standards to reduce risk associated with natural and man-made hazards.
- C. Provide efficient, environmentally sensitive, and safe transportation routes for vehicles and pedestrians.
- D. Encourage development that conforms to the natural contours of the land and minimizes scarring and erosion.
- E. Minimize disturbance of existing trees and vegetation, conserve wildlife habitat, protect aquifer recharge areas, and otherwise preserve environmentally sensitive natural areas.
- F. Reduce flooding by protecting streams, drainage channels, absorption areas and flood plains.

**10-9B-2: MITIGATION:**

This code establishes the need for mitigation of potentially adverse or unsafe conditions arising from development activities for the protection of the interests of subsequent purchasers and occupants and adjacent landowners.

**10-9B-3: PROPERTY RIGHTS:**

This code recognizes the rights of current owners to the reasonable use of the developable property providing development falls within the guidelines of the zone.

**10-9B-4: LOCATION AND DESIGN:**

This code facilitates the location, design and construction of uses, development projects, and building sites within the zone, which provide safety consistent with the natural limitations and the need for protection of the environment.

**10-9B-5: MINIMIZE IMPACTS:**

- A. Development must minimize impacts to the present terrain and natural conditions.
- B. It must be demonstrated to the planning commission and city council that any proposed development will preserve the natural features and conditions of the area.
- C. Roadways and building envelopes shall conform to the lay of the land as much as possible.

**10-9B-6: PERMITTED AND CONDITIONAL USES:**

Various activities are allowed within the CE-3 Zone. Some uses can be allowed with conditions.

**10-9B-6-1: PERMITTED USES:**

Uses permitted within the CE-3 Zone are the standard uses allowed within the zone. Though their use is permitted, they must be constrained to the intent and regulations of the CE-3 Zone. Permitted uses include:

Foster care homes.

Home occupations.

Livestock grazing. (Goats are not considered grazing animals as they are indiscriminate grazers and will quickly strip areas of all types of protective vegetation creating erosion issues.

Minor utility transmission projects.

Non-livestock and livestock animals specifically listed in section [10-18-5](#), table 10-18-B of this title.

Orchards and field crops.

Residential facilities for persons with a disability.

Residential facilities for the elderly.

Single-family residential dwellings on forty thousand (40,000) square foot lots or larger with clustering or 4 acres without clustering.

**10-9B-6-2: CONDITIONAL USES:**

Conditional uses are those that can be allowed if approved by the Planning Commission and City Council and they meet the requirements of section 10-12-33 and 10-12-29 in this code.

**10-9B-7: NATURAL HAZARDS:**

Development must avoid or mitigate the potential impact of natural hazards from earthquakes, landslides, floods, fires and similar calamities, and reduce the extent of public involvement or expenditure in subsequent mitigation of the adverse or unsafe conditions.

**10-9B-8: PROTECTION AND CONSERVATION:**

Development must protect and conserve the culinary water supply, sensitive vegetation, soil, wildlife habitat and other natural resources within the area.

**10-9B-9: SUBDIVISION DESIGN AND ENVIRONMENTAL CONSTRAINTS:**

Designing a development that conforms to the natural constraints of the terrain and the unique geologic features of the area is a main concern for maintaining the safety of current and future residents, preserving the aesthetic appearance of the hillside terrain, and allowing wildlife to continue to reside in the area. The first stage in designing a development in the CE-3 Zone shall be to determine what areas shall be left in a natural condition and how development shall minimize impacts to the hillside terrain.

#### **10-9B-9-1: SENSITIVE AREA DETERMINATION:**

In designing a development an applicant must first identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridgeline areas, ravines and drainages, fault lines, unstable soils, and wildlife habitat areas. Impacts of development to these areas should be minimized or be dedicated to open space. A sensitive areas plan shall be required prior to the preliminary plat mapping all environmental constraints and illustrating the proposed layout of the subdivision demonstrating that impacts to the sensitive environmental and aesthetic areas are avoided or minimized. For additional details on Sensitive Area Plans see 10-9B-15-3 of this section.

#### **10-9B-9-2: RAVINES AND DRAINAGES:**

A ravine is considered a continual low point in topography that slopes down a hillside. A drainage is similar to a ravine but is shown on the General Plan soils map as a low point that could carry water.

- A. The area thirty feet (30') from each side of the center of these features shall be designated as open space.
- B. All slopes twenty percent (20%) or greater and any incidental lesser slopes interspersed within these steeper slopes, rising from ravines and drainages, shall also be designated as open space.
- C. No building envelope shall be within these areas.
- D. City staff or the Planning Commission can require a larger setback if the drainage is wide in nature or if greater distances are required as established by a professional geologist, geotechnical engineer, or civil engineer registered in the State of Utah.

#### **10-9A-9-3: RIDGELINES:**

A "ridge" is defined as an elongated crest or series of crests of a hill and a "ridgeline" is defined as the highest elevation of a ridge running parallel with the long axis of the ridge.

- A. Any ridge or ridgeline or portion of a ridge or ridgeline with slopes greater than twenty percent (20%) shall be designated as open space.
- B. The open space area associated with the ridgeline will include all slopes twenty percent (20%) or greater and any lesser slopes interspersed within these steeper slopes.
- C. Required open space shall also extend uphill fifty feet (50') from the crest of the twenty percent (20%) slopes.
- D. City staff shall designate ridgeline areas citywide and show them on the sensitive lands map on file.
- E. No building envelope shall be within these areas.

#### **10-9B-9-4: FAULT LINES:**

No building envelope shall be located within a minimum of one hundred feet (100') of a fault line as shown on the sensitive lands map on file, unless greater distances are required as established by a professional geologist or geotechnical engineer registered in the state of Utah.

## 10-9B-9-5 Streams and Wetlands

- A. Purpose.** To maintain the, preserve, and enhance the stream corridors and wetlands.
- B. Applicability.** Streams and wetlands will be delineated by the following standards:
  - 1. Stream corridor and wetland area delineation shall be performed by a qualified engineer or other qualified professional with demonstrated experience and expertise to conduct the required site analysis. Delineations are subject to the approval of the City Council.
  - 2. Stream corridors shall be delineated at the ordinary high-water mark. Stream corridors do not include irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife.
  - 3. Boundary delineation of wetlands are established using the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands jointly published by the U.S. Environmental Protection Agency, the Fish and Wildlife Service, the Army Corps of Engineers, and the Soil Conservation Service.
- B. Prohibited Activities.** No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed in this title.
- C. Setbacks.**
  - 1. Perennial Stream Corridors. All buildings, accessory structures, parking lots, and all on-site wastewater disposal systems shall be set back at least one-hundred feet horizontally from the ordinary high-water mark of perennial and intermittent stream corridors.
  - 2. Wetlands. All buildings, accessory structures, and parking lots shall be set back at least fifty feet, and all on-site wastewater disposal systems shall be set back at least one hundred feet horizontally from the delineated edge of a wetland.
  - 3. Ephemeral Streams. All buildings, accessory structures, and parking areas or parking lots shall be set back at least fifty feet from the channel of an ephemeral stream.
- D. Preservation of Vegetation.** All existing vegetation within the stream corridor or wetland setback area shall be preserved to provide adequate screening or to repair damaged riparian areas, supplemented where necessary with additional native or adapted planting and landscaping.
- E. Bridges.** Any bridge over a stream corridor and within the stream setback area may be approved provided the city engineer affirms that the bridge is planned and constructed in such a manner as to minimize impacts on the stream corridor.
- F. The City Council has discretion to reduce the perennial stream corridor and wetlands setbacks by a maximum of twenty-five percent where applicable upon satisfaction of the following criteria:**
  - 1. The modification is designed to yield:

- a. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
- b. Less visual impact on the property or on the surrounding area; or
- c. Better protection of wildlife habitat; or,
- d. Strict application of the standard(s) would render a site undevelopable.

**10-9B-9-6: WILDLIFE CORRIDORS:**

- A. The area contained in CE-3 contains important wildlife habitat for a wide variety of animal and bird species. The following requirements are to promote and preserve wildlife habitats and to protect them from the adverse and potentially irreversible impacts.
- B. Wildlife Corridors will be identified on the sensitive lands map.
- C. Development Limitations in Areas of Critical Habitat. All development subject to these provisions shall incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:
  - 1. Facilitate wildlife movement across areas dominated by human activities by:
    - a. Maintaining connections between adjacent natural open space parcels and areas, and between natural open space parcels and areas in close proximity.
    - b. Prohibiting fencing types that inhibit the movement of wildlife species.
  - 2. Mimic features of the local natural landscape by:
    - a. Minimizing disturbance to trees, the understory, and other structural landscape features during construction.
    - b. Providing selective plantings on the property that enhance the habitat value for the endemic wildlife population.

**10-9B-9-7: UNSTABLE SOILS:**

No building envelope shall be located within one hundred feet (100') of an area identified to have unstable soils as disclosed within a geotechnical report, unless greater distances are required as established by a professional geologist or geotechnical engineer registered in the state of Utah. (Ord. 08-4, 2-26-2008)

**10-9B-9-8: SLOPES TWENTY PERCENT OR GREATER:**

- A. All land having a slope of twenty percent (20%) or greater that is not a part of an approved building envelope shall remain in its natural state and shall not be graded, fenced, or otherwise disturbed.
- B. The planting of additional vegetation and/or the addition of sprinkler irrigation systems is allowed.
- C. Roads, trails, firebreaks, utilities, retention walls, and driveways can traverse these areas if it is demonstrated that they adhere to cuts and fills requirements in

section [10-9A-17-4](#) of this article and other requirements in this code or that by their construction other adverse conditions are mitigated.

**10-9B-9-9: SLOPES THIRTY PERCENT OR GREATER:**

All land having a slope of thirty percent (30%) shall not be disturbed, except for those outlined in **10-9B-13-5**.

**10-9B-10: PRESERVATION OF NATURAL ENVIRONMENT:**

**A. Purpose. Protecting of existing tree and vegetation cover is intended to:**

1. Preserve the visual and aesthetic feel of the area.
2. Encourage site design that preserves the natural environment.
3. Control erosion, slippage and sediment run off.
4. Increase slope stability.
5. Protect wildlife habitat and migration corridors.
6. Conserve energy by reducing heating and cooling costs

**B. Applicability. These provisions apply to all developments in CE-3, with the following exceptions:**

1. The removal of dead or fallen trees or vegetation to protect public health and safety.
2. The limited and selective removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections.
  - a. To protect structures from fire consistent with the Utah Wildlife-Urban Interface Code.
  - b. The council has discretion to administratively offer relief of the standards in this section by up to twenty-five percent if either of the following circumstances applies:
    - i. The modification is designed to yield:
      1. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
      2. Less visual impact on the property or on the surrounding area; or
      3. Better protection of wildlife habitat; or,
    - ii. Strict application of the standard(s) would render a site undevelopable.
3. Tree/Vegetation Removal.
  - a. Outside the Limits of Disturbance. No trees or vegetation may be removed outside the approved limits of disturbance unless specifically exempted by this section.
  - b. Within the Limits of Disturbance. Significant trees removed from within the limits of disturbance shall be replaced as set forth in this section.
  - c. Wildfire Hazards and Tree/Vegetation Removal. Defensible space is defined as the required space between a structure and wildland area that, under normal conditions, creates a sufficient buffer to slow or halt the spread of wildfire to a structure. Appropriate defensible space



surrounding a structure is established in Utah Wildland-Urban Interface Code incorporated in UFA Wildland-Urban Interface Site Plan/Development Review Guide. **A copy of the approved fire protection plan shall be submitted to the city for incorporation into the final approval documents.**

- d. Tree/Vegetation Removal for Views Prohibited. No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site.

#### 4. Replacement of Significant Trees.

- a. When a significant tree is removed from inside the established limits of disturbance, which removal is not required by wildland-urban interface standards referenced in C.a. above, the applicant or developer shall replace such tree(s) on the lot, according to the following schedule and requirements:
- b. A significant tree that is removed shall be replaced by two trees with a minimum size of 2 inch caliper for deciduous trees and a minimum height of six feet for coniferous trees in locations on the lot that are appropriate, feasible, and practical, and that comply with fire requirements and standards, as determined by the zoning administrator.
- c. Replacement trees shall be maintained through an establishment period of at least two years. The applicant shall post a bond in the amount of ten percent of the value of all replacement trees guaranteeing their health and survival during the first two years of the establishment period.

#### **10-9B-11: REVEGETATION/RETENTION PLAN:**

A revegetation/retention plan shall be submitted as part of the preliminary plat. The revegetation/retention plan shall show all areas that will be disturbed, retained and revegetated. These areas include roads, utility corridors, firebreaks, trails, or other proposed work that require cut and/or fills, any grading or retention. The plan shall show designated storage areas of debris, dirt, and topsoil. The plan shall detail where vegetation will be removed and replaced and the types of vegetation to be planted. Disturbed areas must be revegetated with indigenous plants before any bonds are returned by the city. Detail of how vegetation will be established shall be listed. Also shown are all cuts and fills and retention wall depths, slope, and height. A licensed civil engineer shall endorse the plan. The city engineer and planning commission must approve the plan.

#### **10-9B-11-1: REMOVAL OF NATURAL VEGETATION FOR A DEVELOPMENT:**

Natural vegetation including indigenous hardwood trees shall not be removed from the development except for those portions of the site to be committed to the construction of roads, trails, firebreaks, utilities, and retention walls. Natural vegetation including indigenous hardwood trees can be removed from the portions of the lot to be committed

to the dwelling, driveway, retention walls, firebreaks and areas required to be cleared as described within the urban interface area requirements (section [9-3-9](#) of the city code). All areas proposed for removal of vegetative materials shall be shown on the revegetation/retention plan. Revegetation of the types of trees removed may be required by the planning commission or from a professional landscaping firm for areas of cuts and fills and around retention walls. Areas requiring revegetation will be shown on the revegetation/retention plan.

**A. Revegetation and Land Reclamation Plan.**

1. On a parcel of land that has been or will be altered from its natural condition by man-made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional is required for review and approval by the Planning Commission and City Council. The plan shall incorporate the elements of the fire protection plan, and shall indicate a timeframe for revegetation that is acceptable to the city and that takes into account optimal seasonal growing conditions.
  2. The revegetation and land reclamation plan shall depict the type, size, number, and location of any vegetation and trees to be planted and illustrate how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful. All new trees shown on the plan shall:
    - a. Comply with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code;
    - b. Be spaced no closer than twenty feet on center; and,
    - c. Be on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code.
  3. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
1. On slopes of twenty percent or greater, man made or natural, plant materials with deep rooting characteristics shall be selected to minimize erosion and reduce surface runoff. The planting basin shall be kept level with a raised berm around the base of the plant to help retain moisture.
  2. Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.
  3. The land reclamation plan may not include landscaping or other elements that conflict with the approved fire protection plan.

**B. Tree/Vegetation Protection During Construction and Grading Activities.**

1. Definition of Significant Tree. "Significant trees." Live trees of six-inch caliper or greater, groves of five or more smaller live trees, or clumps of live oak or maple covering an area of fifty square feet to the drip line perimeter.



2. Limits of disturbance, as established in **10-9B-13** shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other separation methods approved by the director prior to the commencement of excavation, grading, or construction activities on the site.
3. Within the limits of disturbance, fencing, at a minimum, shall be placed around each significant tree that will not be removed and around stands of twelve or more smaller trees. Such fencing shall be placed at the edge of the individual or outermost tree's drip zone. No construction, grading, equipment or material storage, or any other activity is allowed within the drip zone, and the fencing must remain in place until all land alteration, construction, and development activities are completed.
4. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks, and more fabric under the area to be filled.
5. If fill creates a tree well or depression around a tree or shrubs, such area shall be filled in or drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
6. If a significant tree that will not be removed has roots that are cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Cutting more than thirty percent is prohibited. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. If the tree whose roots have been cut dies within a five year period, the replacement provision in section **10-9B-10-B-4** above applies.
7. Utility trenches near trees shall be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

**C. Tree Removal not Authorized by this Section.**

1. If a significant tree(s) is removed contrary to any provision in this section, the person(s) responsible for the removal shall pay to the city the value of the tree(s).
2. The value of the tree(s) shall be determined by a tree appraiser who is an ISA (International Society of Arboriculture) certified arborist with at least five years of experience appraising trees using the appraisal methods outlined in the current edition of "The Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers (CTLA). The appraiser shall prepare an appraisal report using these methods, and adding to the value from these methods an analysis of the tree(s) contributory value, i.e., the value that the tree(s) contributed to the overall value of the property on which they were located.

3. The appraiser shall be chosen by the person(s) responsible for the removal and the city.
  4. The person(s) responsible for the removal shall pay the cost of the appraisal.
- D. If a significant tree(s) is removed contrary to this section, all development and city permitting and processing of the land use application shall be put on hold for up to sixty days from the date of city's discovery of removal. During that time, the city will inventory the significant tree(s) that were removed, and the process of valuing the tree(s) that were removed shall commence, pursuant to paragraph C above.
- E. The person(s) responsible for removing the significant tree(s) shall pay for the cost of site restoration, including the removal of the stump(s). The stump(s) may not be removed until an appraisal is completed pursuant to paragraph C above.
- F. The person(s) responsible for removing the significant tree(s) shall also replace the tree(s) in accordance with the provisions in this section. The bond referenced in subsection **10-9B-10-B-4** of this section shall be a surety bond for those that unlawfully remove trees.

#### **10-9B-12: CUTS AND FILLS:**

Since development is required to conform to natural terrain conditions, at the subdivision phase, cuts and fills should only be associated with the construction of roads, trails, utilities, or other approved activities. Cuts, fills, and any grading to a lot should be completed at the time individual lot development occurs in the building process. Benching or terracing to provide additional or larger building sites is prohibited.

#### **10-9B-13 Limits of Disturbance**

- 1) Scope and General Requirements. "Limits of disturbance" must be established on the site plan, indicating the specific area(s) of a site where construction and development activity must be contained.
- 2) Purpose for Limits of Disturbance. Limits of disturbance are established for the following purposes:
  - a) Minimizing visual impacts from the development including, but not limited to: screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.
  - b) Erosion prevention and control including, but not limited to, protection of steep slopes and natural drainage channels.
  - c) Fire prevention and safety including, but not limited to, location of trees and vegetation near structures.
  - d) Preservation of tree cover, vegetation, and the site's natural topography.

- e) Conservation of water including, but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
  - f) Wildlife habitat protection including, but not limited to, preservation of critical wildlife habitat and migration corridors and routes.
  - g) Stream corridor and wetland protection and buffering.
- 3) Limits of Disturbance May Be Noncontiguous. Limits of disturbance necessary to accommodate proposed development may be noncontiguous in order to best achieve the above purposes.
- 4) Maximum Limits of Disturbance. For single family residential uses on lots or parcels 4 acres or greater in size or greater, the limits of disturbance are limited to twenty thousand square feet plus an additional square footage of twenty percent of the acreage over one acre.

**10-9B-14: OPEN SPACE REQUIREMENTS:**

Open space and preserving the natural conditions are a fundamental aspect of the CE-3 zone. The following are requirements for all developments within the CE-3 zone.

**10-9B-14-1: REQUIREMENT OF OPEN SPACE:**

Open space areas shall be shown on the plat map marked as unbuildable. Open space areas must remain in their natural state unless revegetation or retention is needed to mitigate adverse conditions due to past uses or if the planning commission approves an allowed use. The commission must approve the locations of proposed open space and any uses within them. The commission can also require additional areas of open space to further implement the intent of the zone. Open space can be public or private, part of a homeowners' association, or part of a private lot.

**10-9B-14-2: AREAS REQUIRED AS OPEN SPACE:**

All slopes twenty percent (20%) or greater that are not a part of a building envelope are required to be preserved as open space. Ravines, drainages, ridgelines, unstable soils, and wildlife corridors shall also be preserved as open space.

**10-9B-14-3: TYPES OF OPEN SPACE:**

Open space areas include three (3) categories: land deeded to the city as open space; areas preserved as open space as part of a homeowners' association; areas preserved as open space on private lots.

**10-9B-14-4: OPEN SPACE DEDICATION TO CITY:**

Any open space to be deeded to the city must be recommended by the planning commission and approved by the city council. If approved, the title must be conveyed to the city and be designated for open space purposes. Open space deeded to the city should be continuous to other open space areas, roads, trails, or adjacent properties that have the potential to become open space. These areas will be labeled on the preliminary and final plats as nonbuildable (except for areas approved for building allowed uses) and must be cordoned off during any grading and construction activities with nylon fencing or equivalent. The applicant and the city shall enter into a

preservation agreement requiring the open space area to remain as such in perpetuity. Open space deeded to the city cannot be a part of a building lot or homeowners' association.

**10-9B-14-5: OPEN SPACE ON PRIVATE LAND:**

Designated open space areas on private property either on an individual lot or as part of a homeowners' association shall be required to have an open space preservation agreement with the city. The owner agrees to refrain from excavating, constructing roadways, or installing utilities not approved as part of a preliminary/final plat, or constructing any dwellings or other structures within the designated open space area. These areas will be labeled on the preliminary and final plats and must be cordoned off during any grading and construction activities with nylon fencing or equivalent. The applicant and the city shall enter into a preservation agreement requiring the open space area to remain as such in perpetuity. Open space cannot be a part of a building envelope. These areas will remain in private ownership. The owner can allow or limit access.

**10-9B-14-6: ALLOWED USES WITHIN OPEN SPACE:**

Roads, trails, utility corridors, and driveways can traverse open space areas if it is demonstrated that they pose a minimal impact to the area or that by their construction other adverse conditions are mitigated. Cuts and fills for these activities shall be revegetated and shown on the revegetation plan. Developed parks with lawn and Xeriscape, play equipment, picnic areas, pavilions, or other park facilities can be interspersed within open space areas. Open space can be linear along road corridors to allow for trails, sidewalks, or entrance features.

**10-9B-14-7: TRAILS:**

- A.** All proposed development in CE-3 shall be platted in consistent with the city's general plans regarding trails, parks, and trail access locations. A dedication of private land may be required for public trails if the required dedication complies with the exaction requirements set forth in Utah Code Section 17-27a-507(1).
- B.** All land offered for dedication for trails or public access to trails must be verified on the ground by City Staff before approval of the site plan. The county has the option of rejecting the applicant's offered land dedication if the proposed dedication does not comply with the exaction requirements set forth in Utah Code Section 17-27a-507(1), or the requirements set forth in subsection (C) below; the city may suggest more suitable land for the applicant's consideration that does comply with each of these requirements.
- C.** Land offered for dedication for trails must be located so that:
  - a.** Proposed trail construction and maintenance is feasible.
  - b.** Side slopes do not exceed seventy percent.
  - c.** Rock cliffs and other insurmountable physical obstructions are avoided.
- D.** At the city's sole option, dedications for trails or public access may be of a fee or less-than-fee interest to either the city, another unit of government, or non-profit land conservation organization approved by the county.
- E.** The City may allow a density bonus up to ten percent of the maximum allowable density attributable to areas of the site with greater than thirty percent slope to be transferred to the developable areas of the site where the applicant

demonstrates that the offered dedication is beyond what would be roughly proportional to the demand for such trails or trail access generated by the proposed development. The county may reduce the applicable minimum lot area requirement within the site's developable area if necessary to accommodate the transferred density.

- F. Trails required along roadways shown on the city trail plan shall be ten feet (10') wide and surfaced as described within the trail plan.
- G. Trails traversing and connecting open space areas are required in cluster developments.
- H. Trail access must be provided in all developments from cul-de-sacs connecting to open space areas or to adjoining current or future developments.
- I. Trails connecting roads through open space to adjoining developments shall be ten feet (10') wide, and be set back from adjoining lot property lines at least fifteen feet (10') on each side. The planning commission can waive the paved trail requirement for gravel in areas that a gravel trail would be appropriate to help preserve natural conditions.

#### **10-9B-15: LOT DESIGN REQUIREMENTS:**

The design of lots shall conform to the environmental constraints of the property. The size, buildable areas and frontage to city streets are explained in this section.

##### **10-9B-15-1: LOT SIZE:**

4 acre (174,250 Square foot) and larger lots are the allowed base density of the zone and can be platted on terrain of any slope as long as the following requirements are met.

##### **10-9B-15-2: OPEN SPACE REQUIREMENT:**

Open space areas are required in the CE-3 zone to preserve natural features that sustain hillside stability. For base density developments, open space areas shall conform to the requirements listed under sections **10-9B-9** through **10-9B-11-7** of this article. Open space can be a part of individual lots. Ravines, drainages, steep slopes, ridgelines, fault lines, unstable soils, and wildlife habitat corridors all must be included within open space areas.

##### **10-9B-15-3: BUILDING ENVELOPE:**

The building envelope location shall conform to the natural terrain and remain within the areas of least slope. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size is four thousand (4,000) square feet. The front, side and rear setback requirements must be met. No design envelope can be located within areas of thirty percent (30%) or greater slopes, nor can these slopes be graded to provide for a buildable area.

##### **10-9B-15-4: STEEPER BUILDABLE SLOPES:**

Lots that contain natural terrain with slopes between twenty percent (20%) and twenty nine percent (29%) must be engineered and approved by a licensed engineer. The city engineer must approve lots incorporating these slopes. A building envelope can only contain a maximum of fifty percent (50%) of its area of these steeper slopes.

**10-9B-15-5: LOT FRONTAGE:**

Frontage along a city street shall be a minimum of one hundred fifty feet (150'). Each lot shall abut upon and have direct access to a city street. The distance of said abutting side shall be not less than the minimum width requirement of the zone, except that the length of the abutting side may be reduced to not less than sixty feet (60') when the lot fronts upon a cul-de-sac or curve in a designated city street and the lot lines radiate in such a manner that the width of the lot will meet or exceed the minimum lot width requirements as determined in accordance with city code.

**10-9B-15-6: FRONT SETBACK:**

All dwellings and other main buildings shall be set back not less than 50 from the front lot line which abuts on any existing or proposed public street right of way.

**10-9B-15-7: FRONT SETBACK EXCEPTION:**

The planning commission can approve an adjustment to the front setback of not less than thirty feet (30') from the front lot line abutting a street if it is demonstrated that by doing so sensitive areas such as steep slopes, ridgelines, drainage areas, or wildlife corridors would be preserved. A forty five foot (45') clear view at the corner of a road intersection is still required. Exception must be defined on the final plat.

**10-9B-15-8: SIDE SETBACK:**

All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of thirty feet (30') or greater from any side property line.

**10-9B-15-9: REAR SETBACK:**

All dwellings or other main buildings shall be set back thirty feet (30') or greater from the rear lot line. On corner lots for a garage that is attached to the rear of the dwelling, the required rear setback for the garage may be reduced to twenty feet (20') or greater from the rear lot line. No living area can be included within the garage footprint in the reduced area.

**10-9B-15-10: LOT REQUIREMENT TABLE:**

Lot size	4 Acres or greater
Lot frontage	150 feet
Front setback	50 feet
Front exception	30 feet
Side setback	30 feet
Rear setback	30 feet
Building envelope	4,000 square feet minimum



Envelope slope	50 percent under 20 percent slope
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**10-9B-16: STREET DESIGN REQUIREMENTS:**

The varying slopes within the CE-3 zone make road designs complicated at best. As with other requirements of the zone, minimal impact to the current slopes, ravines, drainages, wildlife corridors, and vegetation is required. These roadway regulations are required within all developments of the CE-3 zone.

**10-9B-16-1: ACCESS:**

Each lot shall front upon and have direct access to a designated city street.

**10-9B-16-2: IMPROVEMENT REQUIRED:**

All existing public streets and all streets proposed to be dedicated to the public shall be improved in accordance with city standards for public streets.

**10-9B-16-3: ROAD GRADE:**

No street shall have a grade of more than eight percent (8%), except that the planning commission may approve up to a ten percent (10%) grade for short straight stretches of roadway under three hundred feet (300') in length. The commission must conclude that the eight percent (8%) standard would result in undesirable extra earthwork or circuitous routes and that the proposed steep grade section will not result in the establishment of a hazardous condition. It is the responsibility of the developer to present evidence that the additional allowance in grade is desirable. The city engineer and fire chief shall provide recommendation regarding hazardous conditions and any other concerns on the proposed steep grade sections. It must also be demonstrated that for dead end or temporary stubbed streets constructed on grades over eight percent (8%), that the road shall not be constructed in a manner that would make adjacent future development be out of compliance with the three hundred foot (300') requirement.

**10-9B-16-4: TRAVERSING TEN PERCENT SLOPES:**

Roads proposed to cross slopes greater than ten percent (10%) are allowed if proof that such road will be built with the preservation and mitigation of environmental impacts to drainages, ravines, steep slopes of twenty percent (20%) or greater, ridgelines, fault lines, and wildlife corridors. The road design must follow the contour of the land to preserve the natural character of the land, and be screened with trees or vegetation. Cutting and filling is minimized and must be stabilized and revegetated to a natural state within the two (2) year durability time period. The planning commission and city engineer must approve a revegetation/retention plan.

**10-9B-16-5: TRAVERSING TWENTY PERCENT SLOPES:**

- A. Roads that cross slopes greater than twenty percent (20%) must be approved by the city council and the city engineer.
  - a. All roads shall meet the regulations regarding cuts and fills
  - b. Such cuts and fills along with the placement of the road shall not have adverse visual or safety impacts.

- c. Screening of cuts and fills with vegetation or other means can be required by the planning commission or city council to minimize visual scarring.
- d. A segment of a road can cross short stretches up to twenty nine percent (29%) or greater slopes for up to one hundred feet (100') in length. The planning commission can grant an exception to the one hundred foot (100') rule up to three hundred feet (300') if it is demonstrated that there are no other alternatives for the placement of the road. A road crossing these slopes must provide access to a larger developable area.
- e. No road can cross slopes greater than thirty percent (30%).

**10-9B-16-6: INTERSECTION GRADE:**

The maximum grade of intersecting roads shall be a four percent (4%) grade extended a minimum of one hundred feet (100') on each leg of the intersection. The planning commission can make an exception and allow a three percent (3%) grade extended a minimum of fifty feet (50') on each leg of the intersection if the developer demonstrates that the four percent (4%) base requirement cannot adhere to the cut and fill standards in section [10-9A-13-7](#) of this article. Grade shall be measured from the edge of the asphalt of the intersecting roadway to the nearest grade break/vertical curve.

**10-9B-16-7: CUTS AND FILLS:**

No road providing access to a lot shall be constructed in a location or in such a manner that results in the creation of a slope arch exceeding the critical angle of repose or a disturbed cross section which exceeds the cut and fill slope standards for streets in the city. Cut or fill slopes shall be no steeper than two feet (2') horizontal to one foot (1') vertical and shall be designed with acceptable erosion control systems. An erosion control system is generally composed of a combination of long term nondegradable erosion mat, structural geogrid and/or geotextile. The maximum combined cut or fill allowed at any point of a road section shall be limited to thirty feet (30') with the maximum of twenty feet (20') in height on one side of the roadway. Retaining walls can only be fifteen feet (15') for a cut and fifteen feet (15') for a fill at any place in the road cross section. Any retaining wall associated with a road that extends outside of the standard road right of way area shall be dedicated to the city as part of the road system.

**10-9B-16-8: STABILIZATION AND REVEGETATION:**

All disturbed cut and fill slope areas shall be stabilized and revegetated. The submittal materials for the preliminary plat shall include a detailed revegetation/retention plan showing the intended revegetation and retention treatment for all cut and fill slope areas of roads and the performance guarantee amounts shall include their costs.

**10-9B-16-9: CUL-DE-SACS:**

All cul-de-sacs shall conform to section [10-15C-5](#), "Cul-De-Sacs", of this title.

**10-9B-19-10. Snow Removal and Storage.** The road system shall be designed to accommodate snow removal and storage. Due to the increased snow, grades and potential number of homes in the CE-3 Zone an additional snow plow and other specialized equipment will very likely be required when development occurs. Consideration shall also be given for snow storage. Cul-de-sacs with diameters greater than the current city standard may be required to address plowing and snow storage

issues. Islands in the center of cul-de-sacs and at some street locations may be required to provide snow storage and storm water / snow melt control.

**10-9B-16-11: THROUGH ROADS:**

The road system shall conform to the city master transportation plan. Driveway access to arterial and major collector roads should be limited. For traffic calming purposes, local streets should be short in length to promote livable neighborhoods. Major roads on the city master transportation plan shall not be longer than two thousand feet (2,000') in length without an intersecting street; local roads shall not be longer than one thousand feet (1,000'). If terrain features require a longer street, the planning commission can grant an exception to the distance requirement. Pedestrian connectivity to open space areas, public facilities, trails and adjacent cul-de-sacs must be provided.

**10-9B-16-12: SECONDARY ACCESS:**

All development in the CE3 Critical Environment 3 zone shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two (2) access points. Looped roads with a single access are not allowed.

- A. Specifications: All roads shall conform with the city development code, subsection [10-15C-2A](#) of this title, streets and roads. (Ord. 11-7, 8-9-2011, eff. 8-10-2011)

**10-9B-16-13: BUILDING WITH THE NATURAL TERRAIN:**

The intent of the CE-3 zone is to construct with the natural terrain. All structures should be built using the current natural terrain configuration. Some grading can be approved if it is demonstrated that it is needed for safety, erosion control, or that the alternative is less desirable. Dwellings on the down slope side of a road should utilize the natural slope while designing the grade around the structure to drain away from it. Using fill to raise the finished grade around a structure to rise above a road is prohibited.

**10-9B-16-14: GRADING PERMIT:**

No grading, filling or excavation of any kind shall commence on land within the CE-3 zone without the developer first having obtained a grading permit. A revegetation/retention plan, endorsed by a licensed civil engineer, must be approved by the city engineer prior to preliminary plat approval. A grading permit for subdivisions shall not be issued and shall not become active until the proposed development has final plat approval, all fees have been paid, and the bonding has been posted, guaranteeing the construction of all uncompleted required improvements. Areas outside of approved grading areas shall be cordoned off with nylon fencing or equivalent during the grading and construction process and shall not be disturbed.

**10-9B-17: GRADING OF INDIVIDUAL BUILDING LOT:**

All grading, removal of natural vegetation and retention on building lots requires a revegetation/retention plan and a grading permit.

### **10-9B-18: CONCEPT PLAN:**

Conceptual work done before the extensive work needed to gain preliminary plat approval can guide the applicant in a direction that can help make development layout better, obtain approvals in a timely manner, and be overall less expensive. A concept plan is not required but is highly recommended.

#### **10-9B-18-1: APPLICATION AND FEE:**

The concept stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application along with the fee schedule. There are recommended guidelines that can be followed to help give the planning commission enough detail to adequately review a concept proposal.

#### **10-9B-18-2: VESTING:**

Since a concept plan is not required, projects are not vested at concept. Any advice or direction given by staff or the City Council shall not be construed as an approval.

#### **10-9B-18-3: SENSITIVE AREAS PLAN:**

A full sensitive areas plan is not required in the concept stage, but it is recommended that a cursory plan be done to aid in designing the concept plan layout. See section 10-9B-9-1 of this article for the requirements of a sensitive areas plan.

#### **10-9B-18-4: STAFF REVIEW:**

City staff as part of the technical review committee will review the concept plan and make comments that can guide the applicant to design a development that meets the CE-3 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to a public meeting and planning commission review.

### **10-9B-19: PRELIMINARY PLAT AND REQUIRED PLANS:**

A preliminary plat is required and is the first official step toward gaining approvals of a development. With the plat being preliminary in nature, larger developments and those being proposed on unique terrains can require multiple renditions of the plat as prescribed by staff and the planning commission.

#### **10-9B-19-1: APPLICATION AND FEE:**

The preliminary plat stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application along with the fee schedule.

#### **10-9B-19-2: VESTING:**

Once an application is found complete and all fees paid, an applicant is vested with all applicable development codes and standards.

#### **10-9B-119-3 PRELIMINARY PLAT REQUIREMENTS:**

- A. The preliminary plat shall contain the following:
  - a. Delineate the location of designated setback areas.
  - b. The building envelope.
  - c. Areas of cuts and fills.
  - d. Retention
  - e. Limits of disturbance.

- f. Open space areas
  - g. Conform to the requirements set forth in chapter 15, article B of this title.
- B. Plans that shall be submitted and approved in conjunction with the Preliminary Plat:
  - a. Sensitive Areas Plan
  - b. Slope Analysis Plan
  - c. A revegetation/retention plan.
  - d. Erosion control plan
  - e. Geotechnical report
  - f. Fire Protection Plan

**10-9B-19-4: SENSITIVE AREAS PLAN:**

- A. Purpose. To promote safe, environmentally sensitive, development that balances the rights and long-term interests of property owners and those of the general public.
- B. The sensitive area plan shall contain the following:
  - a. As a base as an aerial map showing the nondisturbed conditions that exist prior to any grading or construction.
  - b. Map shall outline and have the following overlays:
    - i. Current Vegetation, including:
      - 1. Clusters or groves of trees
    - ii. Natural Features
      - 1. Ravines
      - 2. Drainages
      - 3. Steep Slopes
      - 4. Ridgelines
      - 5. Fault Lines
      - 6. Wildlife Habitat Corridors
      - 7. Unique Soil Features such as collapsible soil, rock features, etc.
      - 8. Proposed Lots
      - 9. Building Envelopes
      - 10. Roads
      - 11. Trails
      - 12. Open Spaces
- C. The plan shall be submitted and approved by the planning commission with the submittal of the preliminary plat. The commission can require redesigns of lots, roads, and other development features to better implement the intent of this code.
- D. Data from the sensitive areas plan shall be used to develop the preliminary plat by locating areas that should be preserved to meet the intent and regulations of the CE-3 zone.

**10-9B-19-5: SLOPE ANALYSIS PLAN:**

- A. A slope analysis plan shall be submitted in conjunction with the sensitive areas plan and with the submittal of the preliminary plat.
- B. Application.
  - a. The slope analysis shall show contour lines at two foot (2') intervals.

- b. It will also identify by color the following slopes:
  - i. under fifteen percent (15%).
  - ii. Fifteen percent (15%) to nineteen percent (19%).
  - iii. Twenty percent (20%) to twenty nine percent (29%).
  - iv. Thirty percent (30%) to thirty nine percent (39%).
  - v. Forty percent (40%) and above.
- c. It shall also contain the following:
  - i. Proposed lots.
  - ii. Building envelopes.
  - iii. Roads.
  - iv. Trails.
  - v. Open space.
  - vi. Area of disturbance.
- d. The slope analysis shall aid the applicant, staff, and the planning commission in determining that the intent and regulations of the CE-3 zone are met.

**10-9B-19-6: REVEGETATION/RETENTION PLAN:**

- A. A revegetation/retention plan is required for each lot prior to any removal of vegetation or the issuance of a grading permit.
- B. The plan shall illustrate all areas proposed for removal of vegetative materials and retention.
- C. Revegetation of indigenous hardwood trees and grasses is required for areas of cuts and fills, around retention walls, and areas where previous activities have disturbed natural conditions.
- D. Areas requiring retention over four feet (4') will require the plan to be approved by a licensed civil engineer.
- E. The city engineer and planning commission shall approve the revegetation/retention plan.

**10-9B-19-7: EROSION CONTROL PLAN:**

- A. Must be submitted with the Preliminary Plat
  - a. The plan shall detail the following:
    - i. How runoff will be controlled to avoid flooding problems on neighboring properties.
    - ii. How erosion will be controlled.
    - iii. How construction debris and silts will not be collected by storm water during construction.
    - iv. Detail how erosion will be managed in cut and/or fill areas.
  - b. City Engineer must approve Plan.
  - c. Planning Commission must approve plan.

**10-9B-19-8: PRELIMINARY GEOTECHNICAL REPORT:**

- B. A preliminary geotechnical report shall be completed and submitted as a part of the preliminary plat.
- C. The report shall consider and address all recommendations in any reports prepared by the Utah geological survey (UGS) in relation to the subject property.



- D. If no prior reports have been prepared, the applicant shall consult with the appropriate UGS official, obtain comments addressing the geologic conditions affecting the area, and provide those comments.
- E. If unsafe geologic conditions that may affect the property and the probability that those conditions will detrimentally impact the proposed development or surrounding properties within fifty (50) years from the date of the statement, the environmental impact of the proposed action, including a projected “worst case scenario” of the detrimental effects the proposed action or development may have on the safety and environmental stability of the property and adjacent properties shall be required.
- F. Any adverse environmental effects that cannot be avoided, should the proposal be implemented, as well as alternatives to the development to avoid any unsafe geologic conditions, shall be documented.
- G. The geotechnical report shall be stamped and signed by a licensed professional geotechnical engineer registered in the state of Utah with experience in preparing and rendering geotechnical reports.
- H. The city can require that the report undergo a peer review by a separate engineering firm selected by the city at the applicant’s expense.

**10-9B-19-8: Fire Protection Plan.** A fire protection plan shall be submitted as part of the preliminary plat. The fire protection plan shall detail the defensible area of the lot. report needs to approved by city’s Fire Chief.

**10-9B-19-9: STAFF REVIEW:**

City staff as part of the technical review committee will review the preliminary plat and its associated plans and reports and make comments that can guide the applicant to a development that meets the CE-3 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to the public hearing and planning commission review. Staff shall make recommendations to the planning commission stating the general plan, city code, and the development standards to support their recommendations.

**10-9B-19-10: PUBLIC HEARING:**

A public hearing shall be held with the neighboring property owners in accordance with subsection [10-11F-4D](#) of this title. This is a formal meeting. Concerns and comments from the public shall be taken. Staff and/or the commission shall address any comments that cite code violations or health, safety, and welfare concerns. Comments from this hearing can aid the applicant, staff, and the commission to address design elements of the development.

**10-9B-19-11: PLANNING COMMISSION REVIEW:**

After staff reviews and comments from the public hearing have been addressed, the planning commission shall review the preliminary plat and associated plans and reports. The commission can require adjustments to the building envelope, roadways, open space areas, and other elements of the development that better accommodate the natural conditions present and ensure that location or construction of such elements will not result in the creation of an adverse or unsafe condition. The commission shall

conclude that the development will accomplish and preserve the intent and regulations of the zone.

**10-9B-19-12: PLANNING COMMISSION ACTION:**

The commission can approve, approve with conditions, or deny the plat giving findings drawn from the general plan, city codes, and development standards. The motion shall be sent to the city council with the recommendation and findings from the commission. If the commission finds that the plat is not ready to be forwarded to the council, the commission can table the plat requiring the applicant to supply additional information or make changes.

**10-9B-19-13: CITY COUNCIL REVIEW:**

After staff reviews and comments from the public hearing have been addressed, and the planning commission has approved, the city council shall review the preliminary plat and associated plans and reports. The council can require adjustments to the building envelope, roadways, open space areas, and other elements of the development that better accommodate the natural conditions present and ensure that location or construction of such elements will not result in the creation of an adverse or unsafe condition. The council shall conclude that the development will accomplish and preserve the intent and regulations of the zone.

**10-9B-19-13: CITY COUNCIL ACTION:**

The city council can approve, approve with additional conditions, or deny the plat basing their decision on the planning commission recommendations and their findings. If the council denies or significantly changes the plat, it shall be sent back to the planning commission for additional work. Significant changes shall include adding or subtracting five (5) or more building lots, adding development to sensitive lands (slopes over 20 percent, drainages, ravines, ridgelines, sensitive soils, fault lines, wildlife corridors), changes to open space, or changes that require additional engineering work. Additional public hearings could be required. Once a preliminary plat is approved, the developer has one year to gain final approval. If final approval is not obtained within the one year period, the plat approval and vesting shall be void.

**10-9A-20: FINAL PLAT:**

A final plat is required and is the last official step toward gaining approvals of a development. Changes to the preliminary plat should be minimal.

**10-9B-20-1: APPLICATION AND FEE:**

The final plat stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application and the fee schedule.

**10-9B-20-2: FINAL PLAT REQUIREMENTS:**

The final plat shall conform to the city development standards.

**10-9B-20-3: FINAL GEOTECHNICAL REPORT:**

All projects require a final geotechnical report. The geotechnical report shall be stamped and signed by a licensed professional engineer registered in the state of Utah with experience in preparing and rendering geotechnical reports. The report shall include as

a minimum the following: field investigation; description and classification of site soils including boring and pit logs; depth to ground water if applicable; depth to bedrock if applicable; suitability of site soils for proposed project improvements including foundations; identification of expansive/collapsible soils and remedial action if required; liquefaction potential and remedial action if required; hazardous geologic conditions not accounted for or identified in the preliminary geotechnical report such as unstable soils, faults, etc.; stability of natural slopes; slope and retaining recommendations for graded slopes; soil weights, loads, and allowable bearing pressures; soil preparation recommendations; seismic recommendations, subgrade and pavement recommendations; other recommendations applicable to the project site. This report shall be completed and approved by staff prior to planning commission review of the final plat. The city can require that the report undergo a peer review by a separate engineering firm selected by the city at the applicant's expense. The geotechnical report shall be stamped and signed by a licensed professional geotechnical engineer registered in the state of Utah with experience in preparing and rendering geotechnical reports.

**10-9B-20-4: OPTIONAL PUBLIC MEETING:**

A public hearing is not required for the final plat though staff or the planning commission can decide to hold one if substantial changes from the preliminary plat would require additional comment. If a second hearing is not desired, the planning commission meeting where the final plat shall be reviewed is a public meeting. Staff can require an applicant to notify residents and landowners in the area of the meeting where the final plat shall be reviewed.

**10-9B-20-5: PLANNING COMMISSION REVIEW/ACTION:**

The commission can approve, approve with conditions, or deny the plat giving findings drawn from the general plat, city codes, and development standards. The motion shall be sent to the city council with the recommendation and findings from the commission. If the commission deems that the plat is not ready to be forwarded to the council, the commission can table the plat requiring the applicant to supply additional information or make changes.

**10-9B-20-6: CITY COUNCIL REVIEW/ACTION:**

The city council can approve, approve with additional conditions, or deny the plat basing their decision on the planning commission recommendations and their findings. If the council denies or significantly changes the plat, it shall be sent back to the planning commission for additional work. Once a final plat is approved, the developer has six (6) months to record the development with the county. If the final plat is not recorded with the county within the six (6) month period, the plat approval and vesting shall be void.

**10-9A-21: GRADING OF INDIVIDUAL BUILDING LOT:**

All grading, removal of natural vegetation and retention on building lots requires a revegetation/retention plan and a grading permit. (Ord. 08-4, 2-26-2008)

**10-9A-21-1: BUILDING WITH THE NATURAL TERRAIN:**

The intent of the CE-3 zone is to construct with the natural terrain. All structures should be built using the current natural terrain configuration. Some grading can be approved if it is demonstrated that it is needed for safety, erosion control, or that the alternative is less desirable. Dwellings on the down slope side of a road should utilize the natural slope while designing the grade around the structure to drain away from it. Using fill to raise the finished grade around a structure to rise above a road is prohibited. (Ord. 08-4, 2-26-2008)

**10-9A-22-2: REVEGETATION/RETENTION PLAN:**

A revegetation/retention plan is required for each lot prior to any removal of vegetation or the issuance of a grading permit. The plan shall illustrate all areas proposed for removal of vegetative materials and retention. Revegetation of indigenous hardwood trees and grasses is required for areas of cuts and fills, around retention walls, and areas where previous activities have disturbed natural conditions. Areas requiring retention over four feet (4') will require the plan to be approved by a licensed civil engineer. The city engineer and planning commission shall approve the revegetation/retention plan. (Ord. 08-4, 2-26-2008)

**10-9A-22-3: REMOVAL OF NATURAL VEGETATION:**

Natural vegetation including indigenous hardwood trees can be removed from the portions of the lot to be committed to the dwelling, driveway, retention walls, firebreaks and areas required to be cleared as described within the urban interface area requirements (section [9-3-9](#) of the city code). Areas with slopes twenty percent (20%) or greater that are not a part of an approved building envelope, ravines, drainages, and wildlife corridors shall remain in a natural state. (Ord. 08-4, 2-26-2008)

**10-9B-22-4: CUTS AND FILLS:**

Cut or fill slopes shall be no steeper than two feet (2') horizontal to one foot (1') vertical and shall be designed with acceptable erosion control systems. An erosion control system is generally composed of a combination of long term nondegradable erosion mat, structural geogrid and/or geotextile. The maximum cumulative cut or fill allowed on a lot is fifteen feet (15').

**10-9B-22-5: GRADING PERMIT:**

No grading, filling or excavation of any kind shall commence on land within the CE-3 zone without first having obtained a grading permit. A revegetation/retention plan, endorsed by a licensed civil engineer, must be approved by the city engineer and planning commission. A grading permit is required for each individual lot prior to a building permit being issued. Areas outside of approved grading areas shall be cordoned off with nylon fencing or equivalent during the grading and construction process and shall not be disturbed.

**10-9B-23: DWELLING REQUIREMENTS:**

Each dwelling within any development in the CE-3 zone shall conform to the following requirements.

**10-9B-23-1: BUILDING ENVELOPE:**

All buildings shall be constructed within the building envelope. The building envelope is identified on the approved subdivision plat and is located on the lot detailing the front, side and rear setback requirements.

**10-9B-23-2: RAMBLER DWELLINGS:**

For dwelling size requirements, see supplemental regulations, section [10-12-41](#) of this title.

**10-9B-23-3: MULTI-STORY DWELLINGS:**

For dwelling size requirements, see supplemental regulations, section [10-12-41](#) of this title.

**10-9B-23-3: MULTI-STORY DWELLINGS:**

For dwelling size requirements, see supplemental regulations, section [10-12-41](#) of this title.

**10-9B-23-5: HEIGHT OF BUILDING:**

The maximum height of any dwelling shall be thirty six feet (36') as measured from the highest point of finished grade of the ground surface adjacent to the foundation of the structure to the top of the roofline. The minimum height of a building used as a dwelling shall be not less than eight feet (8'). Chimneys, flagpoles, television antennas and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of fifteen feet (15') above the building.

**10-9B-23-6: CONFORMANCE WITH SPECIAL DWELLING REQUIREMENTS:**

In addition to the requirements herein set forth, all dwellings shall conform to the special provisions relating to dwellings set forth under section [10-12-27](#) of this title.

**10-9B-23-7: DWELLING OCCUPANCY LIMIT:**

The number of unrelated individuals residing in a dwelling unit shall not exceed four (4).

**10-9B-24: OFF STREET PARKING AND DRIVEWAYS:**

All dwellings within the CE-3 zone shall adhere to the following parking and driveway requirements.

**10-9B-24-1: OFF STREET PARKING:**

A minimum of two (2) off street parking spaces shall be required for each dwelling unit and additionally two (2) for each accessory dwelling. Each off street parking space shall be not less than ten feet by twenty feet (10' x 20') per space and shall not be located within any portion of a front or side setback area adjacent to a street.

**10-9B-24-2: GARAGE:**

A minimum of two (2) off street parking spaces shall be enclosed within a garage. A minimum of one off street parking space shall be enclosed within a garage for an accessory dwelling.

**10-9B-24-3: REVERSE SLOPE DRIVEWAYS:**

A. No driveway providing access to a garage or off street parking area within a lot shall have a down slope grade from the adjacent street to the garage or covered off street parking area.

E. Applicability. These provisions apply to all developments in CE-3, with the following exceptions:

a. The planning commission may approve a down slope driveway if:

- i. The drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area
- ii. The proposed diversion of surface water will not impact adjacent property.

**10-9B-24-4: DRIVEWAY GRADE:**

Any driveway providing access to a building envelope shall have a slope of not more than twelve percent (12%) at any point. A driveway grade up to fifteen percent (15%) is allowed if heated. Construction of a driveway shall not result in any cut or fill slopes greater than seven feet (7'). Any cut or fill between five feet (5') and seven feet (7') shall be subject to planning commission approval and shall be retained.

**10-9B-25: FENCING:**

- A. No fence may be constructed or installed unless shown on an approved site plan.
- B. Fences are subject to the intersecting streets and clear visibility restrictions of this code.
- C. Fencing requirements will conform to the standards listed in section [10-12-13](#) of this title. Additionally, to preserve drainage and wildlife corridors, no fence shall be constructed on ravines, drainages, open space areas, and slopes of twenty percent (20%) or greater.
- D. Fences in identified wildlife corridors are strongly discouraged, but in no case may exceed forty-two inches in height.