

# **TOWN OF PARADISE VALLEY**

## Hillside Safety Improvement Ordinance

Town Council  
Work Session  
May 10, 2018



# Background

- March 22, 2018 – TC Work Session:
  - Safety:
    - Provide clear background on purpose of safety section
    - Identify issues trying to address
    - Present how safety process will work on sample property
  - Identify which hillside requirements apply to flat land properties
- May 1, 2018 Leadership:
  - Provide Purpose and Decision Points for each session



# Plan of Action

- May 10 Study Session – Confirm concepts and review draft text
- Between May 10 and May 24 Study Session
  - Town Manager Work Group meet with Bill Sims and review text consistent with direction from May 10 Council meeting on concepts
  - Mayor and Council submit text suggestions by Tuesday, May 15
- May 24 Study Session – Review text language and make changes
- May 31 Special Study Session – Finalize text and set for adoption
- June 14 Action Item – Adopt Hillside Safety Improvement Ordinance
- Public Comment to be taken at any “Call to the Public” and June 14 Agenda Item



# Purpose Statement

- Purpose: Review material requested at March 22 study session. Provide majority direction on the concepts of the Hillside Safety Improvement Ordinance.



# Safety Section Goal

- Safety section designed to protect lives and property from disasters resulting from development
- Mitigate potential issues:
  - Erosion
  - Boulders rolling
  - Rockfalls
  - Landslides
  - Construction traffic & storage



# Safety Section Goal

- ***Identify standards and processes that trigger additional safety measures and reviews. Additional safety measures and reviews may be required at Town's discretion during plan review process and/or construction. Examine typical cost of additional review in those standards and modify application fee (SOD)***
- Issue:
  - Hillside properties prone to natural hazards
- Intent:
  - Reduce negative impacts of construction on neighbors
  - Promote public safety



# Decision Point

- Is there majority support that this is the purpose of this effort/ordinance?
- If so, next step is how do we accomplish this purpose.



# How to Accomplish

- Three Components:
  - Revised Process
  - Construction Staging Plan
  - Safety Improvement Plan
- Most of this is:
  - Repackaging existing requirements;
  - Adding transparency; and
  - Adding additional review by experienced professionals.
- A question about impact on cost and time



# Current Process Overview

1. Application & Concept Plan submittal
2. Staff Review of Concept Plan submittal to make sure complete and compliant– sometimes minimal, sometimes close to formal
3. Concept Plan Review at HBC – Notification to Neighbors 1,500'
4. Submittal of Formal Plan – Staff review for complete and compliant. Includes geotech report, seismic refraction study, civil drawings
5. Formal Plan Review at HBC – Notification to Neighbors 1,500'
6. Building Permit – Provide general construction regulations sheet



# Revised Process Overview

1. Application & Concept Plan Submittal – Notification to Neighbors
2. Staff Review of Concept Plan submittal to make sure complete and compliant– sometimes minimal, sometimes close to formal – Checklist, Insurance Alert
3. Concept Plan Review at HBC – Notification to Neighbors 1,500', Final Requirements of Construction Staging and Safety Improvement Plan
4. Review & Approval of Safety Improvement & Construction Staging Plans, Notification of Neighbors
5. Submittal of Formal Plan – Staff review for complete and compliant. ~~includes geotech report, seismic refraction study, civil drawings~~
6. Formal Plan Review at HBC – Notification to Neighbors 1,500'
7. Building Permit – ~~Provide general construction regulations sheet~~



# Revised Process

- Will review Revised Process one step at a time with sub-steps, impacts and suggestions.
- Cost legend is
  - \$ = \$100's
  - \$\$ = \$1,000's
  - \$\$\$ = 10,000's
  - \$\$\$\$ = \$100,000's



# Revised Process

## 1. Applicant Submits Concept Plan

- A. Applicant notices neighbors within 1,500'
- B. Staff notices through an email “Notify Me” function pre-programmed with current HOA contacts.

Staff w/ Applicant



# Revised Process (Impacts)

## 1. Applicant Submits Concept Plan (How Different)

- A. Notice to neighbors within 1,500' at time of application by applicant is new. Usually done at time of HBC meeting. Adds minor time and money to applicant.
- B. Notice through an email "Notify Me" function pre-programmed with current HOA contacts is new. Adds minor time to staff (hours).

Staff w/ Applicant



# Revised Process

## ■ Suggestion

### ■ Delay notification until HBC Meeting

- Application submitted has not been reviewed by staff. As such:
  - May not be complete
  - May have errors or non-compliance
- Application may not go forward to HBC
- Staff may need to decide what review process it will go through (chair, combined, or formal)
- Staff receiving and expected to act on comments before reviewed

### ■ Clarify that this process does not apply to Chair Reviews



# Decision Point

- Is there majority support for items A & B of Step 1 – Application for Concept Plan?



# Revised Process

## 2. Staff Review of Concept Plan Submittal

Staff w/ Applicant

- D. Town Engineer reviews submittal against *conditions* section of Checklist
- E. Town Engineer using Checklist identifies required elements to be submitted with a Construction Staging Plan and/or a Safety Improvement Plan. Exchange with Applicant.
- F. Applicant notified of insurance requirements. \$2M per event and \$5M aggregate. Name Town and neighbors as “additionally insured.” Maintain Insurance for 1 year after CofO.



# Revised Process (Impact)

## 2. Staff Review of Concept Plan Submittal (How different)

- D. Town Engineer reviews site and site plans now but does not fill out a checklist of conditions. Would add time (minor)
- E. Currently identifies engineering studies that will be required at formal review such as geotech, seismic, civil drawings for formal review. Construction Staging plan requirements is expanded and not normally discussed until building permit stage (will add time to staff and time and expense to applicant (\$\$- thousands)
- F. Insurance requirement is new. All builders or owner/builders should have insurance. Some will have the \$2m/\$5M limits and other will not. May increase their costs (\$ - \$\$). Additionally insured new. 1 year insurance after CofO new.

Staff w/ Applicant



# Revised Process

- Suggestion

- Construction Staging Plan

- Eliminate, or:
    - Postpone until Building Permit; and
    - Use same checklist of requirements; and
    - Clarify no engineering seal is required; and
    - Make it an administrative function (Building Official & Town Engineer) – no neighbor notification or comment period; and
    - Offer alternative to “Construction Means and Methods Narrative” is civil construction plans.



# Revised Process

- Suggestion

- Additionally Insured

- Keep Town as additionally insured (no additional cost)
    - Drop requirement for neighbors to be “additionally insured.” Neighbors to make claims through home owners insurance or civil action knowing insurance is there for builder/owner. Also, not finding insurance companies that will issue such a policy.



# Decision Point

- Is there majority support for items D, E, and F of the Staff Review step?



# Revised Process

## 3. Concept Plan Review at HBC

- G. Applicant notices neighbors within 1,500'
- H. Staff notices through an email "Notify Me" function pre-programmed with current HOA contacts
- I. Neighbors can voice concerns with project.
- J. Neighbors and HBC Members can ask for things to be addressed in Construction Staging or Safety Plan. Town Engineer (not HBC) decides what is required.
- K. Town Engineer states required submittals for Construction Staging and/or Safety Improvement Plan.

Public Meeting w/ HBC



# Revised Process (Impact)

## 3. Concept Plan Review at HBC (How Different)

- G. Applicant noticing neighbors with 1,500 no different.
- H. Staff using “Notify Me” email is new. Requires additional staff time (minor).
- I. Neighbors voicing concern with project no different.
- J. Safety & Construction Plans new for all. Neighbors and HBC asking for elements all new. What gets added by TE could affect time and cost.
- K. Town Engineer stating what is required is not new. Calling it a Safety Improvement Plan is new. TE will have already communicated list to applicant unless new items added

# Revised Process (Impact)

- Suggestions
  - Construction Staging Plan
    - Eliminate; or
    - Postpone – premature as applicant does not yet know if building pad location is approved and may not have contracted with builders yet.
    - Maintain Stipulation about parking



# Decision Point

- Is there majority support for items G-K of the HBC Concept Plan Hearing?



# Revised Process

## 4. Review & Approval of Construction Staging and SIP

- L. Applicant turns in Construction and Safety plans and notifies neighbors via mail within 1,500 feet that they are on file. Staff to post email alert on “Notify Me” that plans have been submitted and can be obtained.
- M. Town Engineer forwards copies of Safety Improvement Plan(SIP) to third party engineer for review & reviews himself.
- N. Neighbors and 3<sup>rd</sup> party have 45 days from submittal to turn in engineered sealed comments.
- O. Town Engineer aggregates comments and tells applicant which ones they need to address in resubmittal

Staff w/ Applicant



# Revised Process(Impact)

## 4. Review & Approval of Construction Staging and SIP(How Different)

- L. Turning in plans not new. Notifying neighbors that plans available for review is new. Although neighbors could always access plan and packet materials and make comments at meetings. (Minor cost & time to applicant. Minor time to staff)
- M. Third Party review always has been available. This would be more regular (Adds S\$ per application to Town cost that is transferred to applicant).
- N. 45 day comment period new. Could add 0 days (if already using 3<sup>rd</sup> Party review) or 45+ days (if plans were already done at time of Concept application). (costs should be same for SIP, \$\$ for CSP)
- O. Aggregation of comments from outside engineers new. Redlines back to applicant not new. (more comments could mean more cost)

Staff w/ Applicant



# Revised Process

## 4. Review & Approval of Construction Staging and SIP (cont)

- P. Town Engineer and Building Official to review Construction Staging Plan. Exchange versions with applicant until satisfied.
- Q. Town Engineer, third party engineer and **Technical Advisors** (only) are provided copies of SIP resubmittal and review.
- R. Exchange plans and redlines with applicant until satisfied, meaning TE, 3<sup>rd</sup> Party Eng, and any **Technical Advisors** all agree submittal adequate. FWD to HBC. Applicant still responsible (seal)
- S. If Applicant feels requirements unreasonable, may challenge in court.

Staff w/ Applicant



# Revised Process(Impact)

## 4. Review & Approval of Construction Staging and SIP (cont.)(different)

- P. Construction Staging Plan review is new. Always talked about these items informally and addressed problems as they arose during building permit process. (Could add a week(s) to process)
- Q. Review of resubmittals by TE and 3<sup>rd</sup> Party already occur. Adding technical advisors new. More people to coordinate (could add a week or two).
- R. Same as Q.
- S. Applicant could always challenge an unreasonable requirements in court. No different.

Staff w/ Applicant



# Revised Process (Impact)

## ■ Suggestions

- We are having trouble with Technical Advisory Board
  - Appropriate engineers are also the ones hired for the job and don't want to lose the employment opportunity.
  - They might take assignment if not working that specific job.
  - Looked at professor at ASU. He did not feel qualified.
  - Do have third party, on-call engineer to serve as member
- Changed "TAB" to "Technical Advisors" to T-Engineer
  - Provides back-up to T-Engineer; Uses engineers available & relevant
  - Reduces time if no board meeting



# Decision Point

- Is there majority support for items L-S of the Safety and Construction Plan Reviews?



# Revised Process

## 5. Submittal of Formal Plan to HBC

- T. The previous step takes the place of this for Construction Staging and Safety Improvement Plan. All other normal HBC submittals are reviewed by staff.



# Revised Process

## 6. Formal Review at HBC

- U. **Construction Staging and Safety Improvement Plans** are attached to HBC packet. Members of the public or HBC members may ask clarifying questions.
- V. Members of public and their engineers can argue that plans are or are not adequate. HBC members can argue not adequate. Town Engineer, in sole discretion, may add, delete or modify plans then or during Building Permit stage.
- W. If neighbors think plans are inadequate, they can challenge in court. No internal appeal procedure

# Revised Process (Impact)

## 6. Formal Review at HBC (How Different)

- 17) Construction Staging Plan new. SIP materials of geotech report, seismic refraction, civil drawings not new. Have always been attached and HBC or public could ask questions.
- 18) Discussion of Plans and what should or should not be in are all new. (Additions could add time & cost money for applicants)  
HBC may be concerned they are not final decision maker.
- 19) Neighbors have always had legal recourse on Town actions.

# Decision Point

- Is there majority support for items U-W of the HBC Formal Plan Review?
- Building Permit process unchanged, unless move Construction Staging Plan to here.



# Construction Staging

- Plan to Address:
  - Location of construction entrances and exit
  - Location of equipment and material staging/storage
  - Circulation for construction vehicles plan
  - Conveyance of neighborhood traffic
  - Trash storage/removal plan
  - Constructing Fencing plans
  - Location of toilet facilities
  - Construction means and methods narrative



# Construction Staging (Impact)

- Estimated Cost - \$2,500 to \$5,000
- Many things already required in Construction Regulations
- Time Frame – approximately 1 week to 1 month depending upon how often and how quick turn in redlines



# Decision Point

- Is there majority support for a Construction Staging Plan?



# Triggers for Safety Plan

- Conditions that create hazards to person or property in vicinity of Building Site:
  - Drainageways
  - Difficult access to site
  - Unstable rock formations
  - Steep slopes
  - Loose Fill
  - Drainageways (above and below surface)
  - etc.



# Safety Improvement Plan

- Plan to Address:

- Conditions Identified and Mitigated Using:

- Drainage Reports

- Seismic Refraction Survey

- Civil Drawings

- Geotech Reports

- Require applicant address recommendations of Geotech report

- Require applicant to pay for inspection of those recommendations

- Blasting



# Safety Improvement Plan (Impact)

- Surveys, Geo-technical Reports, Seismic Refraction Reports necessary for addressing risks, already required. So minimal impact.
- Addressing Geotech Report Recommendations is new. Could impose a significant cost. Definite cost to inspections (\$\$-\$\$\$)
- Time Frame – adds 3-6 months to the HBC process depending upon number and scope of redlines, turnaround times, quality of work. May only add minimal length to overall time since may have required 3<sup>rd</sup> party review anyway. Having more engineers review though adds time.



# Safety Section Feedback (Cont.)

## ■ Initial Feedback

- Can only survey conditions on lot controlled
- Concern about added time element
- Burden should be responsibility of contractor not Town
  - Could safety plan be reviewed by project engineer?
- Definition of Narrow Rd will include all PV streets
- Seismic surveys not necessary on lots <15% slope
- Question the intent of the new process



# Safety Section Feedback (Cont.)

## ■ Suggestions

- Survey 200' in every direction from building pad, “up to the limits of the property”
- Redefine Narrow Streets to mean “any street where if parking occurred on both sides, a 12 foot lane could not be preserved.”
- Increase definition of boulder from 10” to 24”.



# Decision Point

- Is there majority support for a Safety Improvement Plan?



# NEXT STEPS

- Incorporate input and edits from today's meeting in text language.
- Tentative Schedule:
  - Town Manager Work Group and Bill Sims Review Text between now and May 16
  - May 24 – Study Session on Ordinance Text
  - May 31 – Study Session on revised Text
  - June 14 – Public Meeting and Action



# Questions?

