



Dear Paradise Valley Builders, Engineers, and Developers:

You are receiving this message because we show you have done work in the Town of Paradise Valley in the past. The Town would like to bring to your attention an important new ordinance and associated process it is considering in relationship to Hillside developments. Paradise Valley Hillside (those areas with a slope of 10% or greater or designated as Hillside by Town Code) are one of the Town's most precious resources and is what defines this community. As such, there is in place an additional set of regulations and review. One important element of those regulations and review that has been underemphasized is the issue of safety during construction and thereafter, both for the builder, owner and for the adjacent property owners.

An effort to update the Hillside Code first started in 2015. It was re-emphasized and included in the 2016 Town Council Quality of Life Initiatives. As part of that effort, a Community Conversation was held April 28, 2016. Safety was a central theme of that conversation with residents. Of particular concern is the issue of tumbling boulders, drainage and construction site management. There have been rare, but scary, instances of boulders falling from higher on the hill toward residences. More frequently there are negative consequences to disrupted drainage flows that have impacts on properties below. More frequently still, is the safety issues that arise from Hillside construction in terms of traffic management, parking, construction methods, etc. Therefore, in March 2017, the Town Council recommitted to updating the Hillside Code with a particular emphasis on safety, which is a municipal responsibility.

The proposed code drafted and recommended by the Town Planning Commission has language specific to safety. Given the important public safety considerations related to this effort, this language will move out of the Zoning Code and into the building section of the Town Code. Further, staff started drafting the process to implement these safety measures. While this is a new process, most of the information requested from the applicant is already occurring. This new process requires a preliminary review of the existing conditions on the subject property by the Town Engineer or designee. This preliminary review uses a checklist to ensure consistency from application to application and memorializes that inspection. Based upon this review of conditions, certain reports will be required as part of the application submittal. Not all reports listed on the checklist are required on all submittals. These reports are broken into two sections—construction staging and safety improvement. The construction staging is looking at those elements that affect the safety of the job site for neighbors as well as construction personnel. These are things outside of OSHA's purview such as parking, traffic flow for neighbors, traffic circulation for deliveries, material staging, etc. The safety improvement reports are many of the things builders have always been required to supply, the proposal just asks for them earlier in the process, bundled and subject to outside review. To further elaborate, reports such as geotechnical reports, seismic refraction surveys, and civil engineering designs that are requested will be due prior to the formal review of the Hillside application. Those submittals have always been public record. This new process will advise neighbors that such reports have been submitted and define a time period for them to provide public comment. The Town is then able to review using outside experts to assist due to the specialty nature of some of these reports. This provides all parties with an extra layer of quality assurance. If applicants or neighbors disagree with the findings associated with the reports and the measures required by the Town to mitigate, the same remedies exist that have always been in place.

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Attached you will find the full draft of the Hillside Code revisions. You will also find that attached is a copy of the Hillside Safety Improvement Checklist, a copy of definitions and a Decision Tree that outlines the review process. This is a work in progress and so will frequently change before it is adopted. As such, your comments are important and welcomed. The Town Council is expected to review this material in study session on April 12 and April 26 with a public hearing and action on May 10. Given study sessions limit discussion to Council and staff, I would recommend providing written comments either as a reply to this email or as an email to Mayor, Council or staff. We will publish the latest version of these documents in the packet for each Council meeting which is available on our website the Friday before the Council meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Kevin Burke". The signature is fluid and cursive, with the first name "Kevin" and the last name "Burke" clearly distinguishable.

Kevin Burke
Town Manager



HILLSIDE CONSTRUCTION STAGING AND SAFETY IMPROVEMENT CHECKLIST

Construction Staging and Safety Improvement Plans are intended to reduce the negative impacts of hillside construction activities on the surrounding neighborhood. On demolition, exterior remodels, additions or new construction, not eligible for Chairman review, the Town Manager or designee (Town Engineer) may require Construction Staging and/or Safety Improvement Plans that address (Town Engineer to check all of the following that apply):

Conditions Present on or Adjacent to Lot

- ☐ Boulders
- ☐ Significant Rock Outcroppings
- ☐ Steep Slopes
- ☐ Loose Fill or Raw Spill Slope
- ☐ Drainageways, Watercourse, or Hillside Washes
- ☐ Narrow Adjoining Streets or limited access to building sites
- ☐ Subsurface or Seismic Damage that may result in future landslides/rockslides
- ☐ Unique Topography
- ☐ Anticipated use of construction equipment that causes vibrations
- ☐ Anticipated trenching and/or restoration, including septic, greater than 100 linear feet, , regardless of presence of easements, across steep slopes or loose fill
- ☐ Any blasting associated with construction
- ☐ Other conditions that create hazards to person or property in the vicinity of the building site
- ☐ No downhill residents or developable property

The following elements will be required by the Town in a Construction Staging Plan:

Construction Staging

- ☐ Location of construction entrances and exits
- ☐ Location of equipment and material staging and storage
- ☐ Onsite circulation for construction vehicles plan (includes on-site and off-site deliveries, employee parking, turn-arounds, etc.)
- ☐ Conveyance of neighborhood traffic
- ☐ Trash storage and removal plan
- ☐ Fencing plans
- ☐ Location of toilet facilities
- ☐ Construction means and methods narrative

The following elements will be required by the Town in a Safety Improvement Plan:

Geological Reports & Seismic Refraction Surveys

- ☐ Indicate and evaluate the location of fractures
- ☐ Indicate and evaluate unstable rock and/or fill
- ☐ Identify the potential hazards of the fractured or unstable rock/fill to surrounding properties
- ☐ Proposed engineering design to stabilize the site and mitigate rock fall or debris
- ☐ Subsurface water flows and pooling
- ☐ Provide recent geologic events in area such as rock slides, mudslides, earthquakes etc. and impacts/results

Blasting

- ☐ If blasting is proposed, all blasting requirements noted in Article 5-10-4 of the Town Code must be fulfilled

Drainage

- ☐ Provide hydrologic study for the area assuming a 100 year 2 hour storm event.

When deemed necessary, the Town Manager or designee may hire an outside firm to assist with or provide review of an application including the Construction Staging and Safety Improvement Plan. Any fees associated with the outside review are an additional application fee and must be paid by the applicant. Applicant will be required to provide assurance of this payment in a form to be determined (signed letter to pay, a credit card and authorization up to a certain dollar amount, a cash deposit, etc.). All Hillside development, not eligible for a chair review, shall require the developer to provide minimum insurance of \$2M per occurrence and \$5 million aggregate, with properties in the hazard zone listed as additionally insured, for the duration of construction (from grading to certificate of occupancy, and for one year after certificate of occupancy is granted. Appropriate dollar values for insurance shall be the responsibility of the developer and home owner.

HILLSIDE DEFINITIONS/DEFINED TERMS AND SAFETY CHECKLIST

SAFETY CHECKLIST WITH CORRESPONDING DEFINITION/TERM

CHECKLIST ITMES	CORRESPONDING DEFINITION/TERM
☐ Boulders	<u>[New Term] Boulders</u> - a rock fragment that has been detached from a bedrock mass whose size in the least dimension is 10 inches.
☐ Significant Rock Outcroppings	<u>Significant Rock Outcroppings</u> - Any surface rock or group formation of rocks covering an area of 200 square feet or larger or any surface rock formation with a height greater than ten feet from the lowest surrounding grade.
☐ Steep Slopes	<u>[New Term] Steep Slopes</u> – Slopes 20% or greater within a 200’ radius of the proposed Building Site.
☐ Loose Fill or Raw Spill Slope	<u>Fill</u> - The deposit of soil, rock, or other materials placed by man. <u>Raw Spill Slope</u> – An area created by causing or allowing earth or other material to fall, flow or run down the slope, thereby creating a change in the natural appearance and topography.
☐ Drainageways, Watercourse or Hillside Washes	<u>Watercourse</u> means any creek, stream, wash, arroyo, channel or other body of water having historical banks and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis. (5-10-7(C)(1)) <u>Hillside Wash</u> – Any creek, stream, wash, arroyo, channel or other body of water having a flow rate equal to or greater than 2 cubic feet per second based on a 100-year storm event.

☐ Other conditions that create hazards to person or property in the vicinity of the building site ☐ No downhill residents or developable property	
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HILLSIDE SAFETY IMPROVEMENT DECISION TREE

Applicant Submits HBC Concept Plan

- Notice to neighbors of application consistent with notice area under code/policy
- Town Engineer reviews plans against “checklist” for Construction Staging and/or Safety Improvement Plan and sits down with Applicant to review and hear any challenges.
- Town Engineer informs Applicant that a \$5 million aggregate, \$2 million per occurrence insurance policy will be required during construction and for one year following Certificate of Occupancy if Construction Staging and/or Safety Improvement Plan is required.
- Construction Staging and/or Safety Improvement Plan review on parallel track with overall HBC review.
- If it is an application for demolition, application skips HBC hearings, but all other steps apply.

HBC Concept Plan Hearings

- Neighbors can see the concept plan and express concerns about construction staging and safety
- Town Engineer announces if applicant needs to provide a Construction Staging and/or a Safety Improvement Plan and what is being required in those Plans. Town Engineer may add or delete requirements based upon discussion at the HBC (including neighbor comments) but the Final Checklist/Plan requirements remain the Town Engineer’s discretion.

Safety Plan Review

- Place the Construction Staging and Safety Improvement Plan Review in Article 5(5-10-9) of the Town Code and cross reference it in the Hillside Building Code
- Applicant turns in 2 copies and a digital version of a Construction Staging and/or engineer sealed Safety Improvement Plan
- Applicant sends a notice of plan availability to neighbors on HBC notification list with affidavit of mailing. Digital copy available at Town Hall. Notice to include date comments due to Town Hall. Town sends copy to hired third-party engineer (could be multiple engineers with different specialties) for review.
- Neighbors have 45 days from date of mailing notification to turn in comments on Plans but comments for Safety Improvement Plan must be in the form of engineer sealed comments.
- At 45 days, Town Engineer aggregates comments from neighbors’ engineers and Town hired engineer(s) and directs applicant to address the comments and return newly sealed plans.
- When newly sealed plans are returned, the Technical Advisory Board reviews and determines if the new plans adequately address all concerns they feel are relevant.
- If concerns not addressed, Town returns the plans to Applicant. This process can continue indefinitely until the Technical Advisory Board is satisfied.
 - If Applicant feels it is unreasonable, they can protest in a court of law
- When Town Engineer is satisfied, the Plans, are forwarded to the HBC as part of HBC Formal Review. The plans remain those of the applicant and have the seal of the Applicant’s engineer who is taking liability for any failure of the plan.

Formal Plan Review

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- Applicant presents Construction Staging and/or Safety Improvement Plans to HBC
 - Town Engineer/3rd Party hired engineer comments and can answer questions
 - Neighbors and their engineers can argue that either is not adequate.
 - ⊖ Town Engineer, in his sole discretion, may choose to require the applicant to address additional concerns, delete elements or maintain the plan in the presented form. Town Engineer also reserves right to add or delete during the building permit stage based upon new information made available during that process.
 - If applicant feels it is unreasonable, they can protest in a court of law
 - If neighbors feel safety plan is unsatisfactory, they can protest in a court of law or maybe there is a private cause of action against the applicant.
 - All lawsuits against the Town will likely be tendered to the Applicant and/or Applicant's engineer.

Building Permit
Process

- Normal Building Permit Process is to be followed