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**Title:** Discussion of Hillside Related Concerns and Possible Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

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**Attachments:** 1. Draft Statement of Direction - Hillside Code Updates, 2. Power Point Presentation - Hillside

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**TO: Mayor Collins and Town Council**

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**DATE: June 8, 2017**

**CONTACT:**

**AGENDA TITLE:**

Discussion of Hillside Related Concerns and Possible Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

**BACKGROUND**

History

Hillside related matters can be found throughout the Town Code but are most prevalent in the Zoning Ordinance and Chapter XXII Hillside Development Regulations which is often referred to as the "Hillside Code."

On July 21, 2015, staff presented a list of topics relating to the Hillside Code to the Planning Commission as part of a periodic review and update of the Town Code. In January of 2016, the Town Council identified several Quality of Life Initiatives including an Update to the Hillside Code. Staff worked with then Planning Commissioner Moore in preparing a draft ordinance identifying topics of discussion and potential amendments. The draft ordinance was reviewed by the Planning Commission at the December 20, 2016 and January 3, 2017 work sessions and the January 17, 2017 citizen review work session. In March and May of 2017, the Town Council identified Hillside as one of its five top initiatives for the 2017-2018 term. Along with updating the Hillside Code, other hillside related matters were identified. These included safety concerns, committee structure, hillside

disturbances off the applicant property, variance processing and others.

### Purpose

This study session is intended to identify a complete list of hillside related concerns and categorize them into the appropriate process to address. Updating the Hillside Code is expected to be the most robust of those tasks, but also has experienced the greatest degree of review and drafting as noted in the History section. As a result of previous reviews, staff and the Planning Commission examined eighteen topics pertaining to the Hillside Code. This study session seeks to draft a statement of direction to the Planning Commission focusing their efforts on desired topics and providing policy guidance on the topics selected.

## **DISCUSSION/FACTS**

### Discussion

The draft Hillside Code addresses the following topics:

1. Retaining Walls and Screen Walls.
2. Material Palette and Light Reflective Value (LRV).
3. Hillside Reviews & Administrative Hillside Chair Review.
4. Disturbed Area Calculation.
5. Demolition on Hillside Properties.
6. Hillside Model.
7. Accessory Structure and Accessory Structure Height Limit (including raised decks/platforms).
8. 40' Overall Height Measurement.
9. Driveway Disturbance Credit.
10. Lighting.
11. Process to Remove a Property from Hillside Designation.
12. Hillside Assurance/Bond.
13. Define which Hillside Code applies to La Place du Sommet Subdivision.
14. Solar Panels and Hillside Review Process.
15. Cantilever Limitations.
16. On-Site Retention.
17. Pool Barriers and Perimeter Fencing Standards.
18. Administrative relief on hillside lots (Article XXII).

During their review, the Commission was generally agreeable with the proposed modifications to the Hillside Code regarding Material Palette, Demolition on Hillside Properties, Hillside Study Models, Accessory Structures, the 40' Overall Height Measurement, the Process to Remove a Property from the Hillside Designation, and Defining which Hillside Code applies to the La Place du Sommet Subdivision.

Enclosed is the draft Hillside Code amendments that were last reviewed by the Planning Commission on January 17, 2017. The changes incorporated from the December 20th Commission meeting are highlighted in yellow and the changes incorporated from the January 3rd Commission meeting are highlighted in blue. The changes from the January 17, 2017 review have not yet been incorporated. At that time, the Commission went through each page of the draft ordinance and identified or requested the following:

- i. Hillside Assurance.* The multiplier of \$25 per cubic foot of cut and fill should be increased to \$35 to calculate the hillside assurance. The Commission had asked for further research on

an inflation formula to the multiplier. Also, language should be added to the code to clarify that a Certificate of Occupancy may be released without the installation of the landscape. However, the assurance will be held by the Town until the landscape is installed and inspected.

- ii. *Cantilevers*. Driveway cantilevers will be prohibited. However, the Commission would like to establish criteria for building cantilevers and pool deck cantilevers. Commissioner Campbell was tasked to work with staff and refine this section of code for further review.
- iii. *Disturbance and House Footprint*. The consensus of the Commission was keep code as is and not require the house footprint to count as disturbed area. This does not require any further editing to the draft plan and is provided only for information..
- iv. *Disturbance and Driveways*. There was no consensus regarding changes to the current disturbance credit for decorative driveways. Commissioner Campbell was tasked to work with staff and refine this section of code for further review.

#### Statement of Direction

A Statement of Direction (SOD) as outlined in the Town Code is not required for code updates. However, based upon differing viewpoints and multiple discussions regarding how to update the Hillside Code, the Town Council suggested a Statement of Direction.

#### Next Steps

Based upon direction from Council, staff will update the draft SOD accordingly. The updated SOD will be scheduled for review and approval at the June 22<sup>nd</sup> meeting.

#### Attachments

Draft Statement of Direction (SOD)

Draft Hillside Ordinance from January 17, 2017 Planning Commission meeting