



## Legislation Details (With Text)

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**Title:** Discussion of Hillside Code Updates - Safety Section (Chapter 5 of the Town Code  
60 Minutes

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Statement of Direction Hillside Code Update, 2. 051018 Draft Safety Hillside Ordinance 2018-09 Track Change, 3. 051018 Draft Safety Hillside Ordinance 2018-09 Clean, 4. Exhibit E, 5. Exhibit F, 6. Exhibit G, 7. Exhibit H, 8. Construction & Zoning Regulations, 9. Hillside cover Ltr checklist and decision tree v2, 10. Presentation Hillside Code Update Safety Section, 11. 051018 Draft Hillside Ordinance Track Change

Date	Ver.	Action By	Action	Result
5/10/2018	1	Town Council	Received and Filed	

**TO:** Mayor Collins and Town Council

**FROM:** Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner

**DATE:** May 10, 2018

**CONTACT:**

**AGENDA TITLE:**

Discussion of Hillside Code Updates - **Safety Section** (Article XXII of the Town Zoning Ordinance and Chapter 5 of the Town Code)

**Town Value(s):**

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☒ Preserving natural open space

The Hillside Code Update will aid in the protection of the hillside environment and help provide for the safety and welfare of Town.

**Council Goals or Statutory Requirements:**

The Hillside Code Update meets a Town Council Quality of Life Initiative.

## BACKGROUND

### History

Hillside related matters can be found throughout the Town Code but are most prevalent in Article XXII, Hillside Development Regulations, of the Zoning Ordinance 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 top five initiatives for the 2017-2018 term. On June 22, 2017, the Town Council issued a Statement of Direction (SOD) for the Hillside Code update.

The Planning Commission reviewed the hillside code update at six work sessions (starting on July 11, 2017) and 3 public hearings/meetings. On December 19, 2017, the Planning Commission voted 5 to 1, to forward the draft Hillside Code to the Town Council with a recommendation of approval.

### March 22, 2018 Town Council Work Session

The Town Council reviewed the draft hillside code at the March 22<sup>nd</sup> work session. During the review, the Council requested the following regarding the Safety Section:

- The Council requested that staff provide a clear background regarding the purpose of the safety section and the issues the Town is trying to address. Staff shall also include the Safety Checklist and Construction Guidelines in the packet; and present how the Safety Checklist and process will work on a sample property.
- Identify which hillside and safety requirements also apply to flat land or non-hillside properties.

Staff revised the appropriate sections of the Ordinance and included exhibits for reference, where applicable.

### Discussion

This report focuses on the Safety Section of the code update.

### Topic No. 19. Addition a Safety Section in the Code.

***19. Add a Safety Section in the Code. SOD - Identify standards and processes that trigger additional safety measures and reviews (such as enabling the Town to hire consultants to help review geotechnical reports or examine potential grading and drainage issues). The additional safety measures and reviews may be required at the Town's discretion during the plan review process and or construction. Examine the typical cost of the additional review in those standards and modify the application fee.***

The Safety Section of the code is intended to reduce the negative impacts of hillside construction on neighboring properties and to promote public safety. Hillside properties are

prone to natural hazards and the safety section of code is designed to protect lives and property from disasters resulting from hillside development and to mitigate the potential issues such as increased erosion, boulders rolling, rockfalls, landslides, construction traffic, and construction parking. As a result, the Council directed the Commission to identify standards and processes that trigger additional safety measures and reviews.

The draft language recommended by the Planning Commission was included in the draft Hillside Code (Article 22 of the Zoning Ordinance) Track Changes version and identifies that the Town may require a construction staging plan and safety plan. The Town may hire an outside firm to assist with or provide a safety review. Safety triggers such as unique topography, difficult access to a site, unstable rock formations, and steep slopes were added to the code to enable the Town to require a safety plan. The safety section recommended by the Planning Commission is highlighted in grey and is listed on pages 12 -13 of the draft Ordinance 2018-08.

However, via direction from Town Council, the safety section was relocated from Article 22 of the Zoning Ordinance to Chapter 5 of the Town Code. The safety section was also expanded to address additional safety items and outlines the safety review process (such as identifying safety conditions on the subject lot, construction staging criteria, geological report and seismic refraction survey conditions, blasting requirements, and drainage requirements). Addressing the safety items should help mitigate hazardous conditions such as boulders rolling down the hill, the concentration of drainage flows, the obstruction of streets with construction traffic or construction materials. A construction staging and safety improvement checklist will be added to the Hillside application to aid applicants with the potential safety conditions and criteria.

The current hillside code already addresses many of the safety issues. Depending upon the type and scope of development, the Town can require a geotechnical report, seismic refraction survey, a grading and drainage plan, and a drainage report. These plans or documents must be sealed by a registered professional and are reviewed by the Town.

The draft code identifies specific safety concerns that may need to be addressed. These concerns include items such as boulders, damage that may result from future rockslides, evaluation of fractures, unstable fill, rocks, etc. However, many of the proposed safety requirements are addressed in the geotechnical report and building permit review process.

At present, the Town does not require a construction staging plans for hillside lots and flat land lots. Instead, the Town attaches a general list of construction and zoning regulations to every building permit (a copy of the Construction and Zoning Regulations are enclosed) and the Hillside Committee adds stipulations regarding parking, storage of construction material, and construction time frames (please reference Exhibit H). However, the draft code will require the applicant to submit a construction staging plan as part of the hillside application review process.

The current code requires neighborhood notification of the concept hillside review, formal hillside review, and combined hillside review. The new safety section in the draft code will require the applicant to provide two additional notifications to the process. The applicant will be required to notify the neighboring properties when they submit a hillside application and send another notice when they submit a construction staging plan and/or safety plan.

Lastly, the new safety section in the draft code modifies the current hillside application process. The neighbors will have 45 days to review and provide comment regarding the construction staging plan and safety plan. Neighborhood comments regarding the safety plan must be sealed by a registered engineer. Staff and the Town's Technical Advisors will review the plans in accordance with the Hillside Construction Staging & Safety Improvement Checklist and will identify which requirements apply. After the first review is finished, staff will provide the applicant with the Town's review comments and the neighbor's review comments. The applicant will resubmit updated plans and documents in response to the review comments. Once the updated plans are reviewed and deemed complete, the application will be forwarded to the Hillside Building Committee for Formal Review (please reference Exhibit F).

Please reference pages 1 - 4 of the draft hillside safety ordinance (Ordinance 2018-09) regarding the safety section requirements.

#### Comparison of Hillside Requirements and Flat Land Requirements

During the March 22<sup>nd</sup> work session, Council requested that staff identify which hillside and safety requirements also apply to flat land or non-hillside properties. Please reference Exhibit E for a comparison of these requirements.

#### Summary of Hillside HOA Regulations

Silver Leaf is a hillside community located in north Scottsdale. Staff contacted the Design Review Manager for the Silver Leaf community to identify what hillside requirements are used by a private association. The Silver Leaf requirements are summarized in Exhibit G.

#### Next Steps

Staff will incorporate input and edits from the Council into the draft code.

#### Attachments

- Hillside Code Statement of Direction (SOD)
- Draft Hillside Ordinance 2018-09 (Track Change & Clean Version)
- Exhibits E - H
- Hillside Construction Staging & Safety Improvement Checklist
- Construction and Zoning Regulations
- Power Point Presentation