

-New Section – Hillside Development Ordinance

9-4.152 Hillside Development.

The purpose of the Hillside Development Sections (9-4.152 through 9-4.157) is to preserve the rural nature of the City, encourage the preservation of existing trees and vegetation, and encourage grading and design that preserves natural landforms and geographical features, minimizes aesthetic impacts, and maintains slope stability. Hillside Development standards are organized into the following sections:

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9-4.153 Applicability.

The special development standards of Sections 9-4.153 through 9-4.157 shall apply to properties in a hillside area, where hillside area means a property:

(a) With an average slope of the development area before grading of fifteen percent (15%) or more; and

(b) Where either:

(1) A grading permit is required pursuant to Sections 9-4.138 through 9-4.146; or

(2) Where development is subject to a construction permit and consists of the construction of a new primary structure or accessory structure, expansion of the footprint of an existing structure, the installation of accessory uses such as pools, graded pad areas for yards or agricultural activities, retaining walls, parking areas, and/or driveways.

9-4.154 Definitions.

(a) “Development Area” shall mean the portion of a project site that is disturbed for development, including any building pads and all graded slopes, all structures, and parking and driveway areas.

(b) "Primary Structure" shall mean the structure of chief function on a site. In general, the primary use is carried out in a primary structure. (see also "Accessory Structure" and "Building, Accessory" in Section 9-9.102).

9-4.155 Slope Calculation.

(a) The average slope of the development area shall be the "slope, average", as defined in Chapter 9-9.102 (General definitions).

(c) The City may require a survey and slope analysis prepared by a licensed surveyor or licensed civil engineer showing average percent slope categories.

9-4.156 Hillside Development Standards.

(a) Development Area. The maximum development area disturbed by grading on a site shall not exceed ten thousand (10,000) square feet, inclusive of areas allowed by Subsection 9-4.156(b).

(b) Accessway or Driveway.

(1)

(c) Requirements Based on Slope. The following grading and building pad allowances shall apply, based on the slope of the development area:

(2) For slopes between fifteen percent (15%) and thirty percent (30%), the limits established by Subsections 9-4.156(a) and (b) apply, and:

(i) Buildings shall be constructed to follow the natural topography, using stem walls rather than a monolithic foundation;

(ii) The height of the lowest finished floor(s) of a building shall not be more than eight (8) feet above the existing grade to ensure that buildings follow slopes; and

(ii) Grading outside of building areas for outdoor recreation shall not exceed two hundred fifty (250) square feet.

(3) For slopes greater than thirty percent (30%), Section 9-4.157(b) shall apply.

(d) Grading.

(1) Cut or fill slopes shall not exceed a three-to-one (3:1) horizontal to vertical ratio, except that a two-to-one (2:1) ratio may be allowed where it can be demonstrated that it is necessary to minimize impacts to native trees or drainage features, or maintain grading within the property limits.

(2) Pads shall maintain rounded corners and conform to landforms within the site.

(3) Grading shall be completed in compliance with Sections 9-4.138 through 9-4.145, minimized to the extent feasible, and balanced on site whenever possible to avoid excessive cut and fill and to avoid import or export of soil to/from offsite.

(4) Graded slopes shall be rounded and contoured to blend with the natural topography.

(5) All cuts, fills, or other areas temporarily or permanently disturbed by grading shall be re-naturalized, colored, and landscaped to blend with the adjacent undisturbed natural terrain.

(e) Retaining walls.

(1) Retaining wall measurements shall be as provided in e Section 9-4.128(c)(1)(iv).

(2) Height. The maximum height of a retaining wall shall be eight (8) feet, except a retaining wall up to twelve (12) feet high is permitted where it is integral to the foundation of the primary structure or a detached garage associated with the primary structure.

(3) All retaining walls shall be separated by a minimum of five (5) feet.

(4) Design.

(i) Retaining walls shall be designed with lines that conform to the hillside topography;

(ii) Materials shall consist of stone, soil nail, poured in place concrete, split face (or similarly textured) block, gabion walls, or similar method; and

(iii) Walls taller than five feet shall be of a color that blends with the surrounding environment, and textured or veneered, to blend in with the surrounding natural colors and textures of the existing hillside.

(g) Landscaping and Native Trees.

(1) Removal of existing native trees as defined in Chapter 11 (Native Tree Regulations) shall not exceed **thirty percent (30%)** of the total on-site tree canopy or **one (1) acre** total of on-site tree canopy area, whichever results in the least tree removal.

(2) Retaining walls along driveways, roads, and cut and fill areas shall be designed to minimize impacts to existing native trees, with retaining wall footings placed a distance equal to that of the tree's dripline plus fifty percent (50%) of that dripline distance at a minimum.

(3) Where grading or erosion control requires reseeding, seeds and other plant materials used for erosion control and slope stabilization shall consist of native and/or drought tolerant species.

9-4.157 Process.

(a) Ministerial Review. Development or grading in a hillside area that does not otherwise require a discretionary approval, or is not part of a project that requires discretionary approval pursuant to this Title 9 (including, but not limited to, Conditional Use Permits and Precise Plans), shall be processed as a ministerial review (e.g., Plot Plan and/or Building/Grading Permit, as applicable), only if the development or grading is consistent with Section 9-4.156.

(b) Discretionary Review. Grading or construction in a hillside area that does not comply with Section 9-4.156, or any grading or construction on development areas that exceed **thirty percent (30% slope)** shall require discretionary approval of a Precise Plan pursuant to Section 9-2.109.
