

Brief Summary of the October 2013 Draft Hillside Management Area (HMA) Ordinance

The HMA Ordinance is being revised as a part of the General Plan update process. Below is a brief summary of the October 2013 draft:

1. Definitions and Purpose. The current HMA ordinance contains separate definitions for Urban and Non-Urban (Rural) HMAs. This draft proposes a single definition which defines HMAs as any portion of a lot or parcel containing a terrain with a natural slope of 25% or greater. For purposes of the Conditional Use Permit (CUP) requirement in this draft, the definition of HMA does not apply to HMAs under a certain size. This draft also contains definitions for additional terms, including: constraints, development, Hillside Design Guidelines, Improved Open Space, Natural Open Space, Rural Land Use Designation, and Sensitive Design Techniques.

The purpose of this ordinance is to ensure that development preserves the physical integrity and scenic value of HMAs, provides open space, and enhances community character by: 1. Avoiding development in HMAs to the extent feasible; 2. Locating development in the portions of HMAs with the fewest constraints; and 3. Using sensitive design techniques.

2. Applicability. Unlike the current ordinance, which requires a slope density calculation to determine whether a CUP is required, this draft proposes that a CUP be required for any development (as defined for this ordinance specifically) being undertaken in an HMA. This draft then lists the exceptions to the CUP requirement, which include but are not limited to single-lot development (provided a 20,000 cubic yard grading threshold is not exceeded), lot line adjustments of one property line, development undertaken by a public utility, mitigation activities, and hazard/emergency management activities.

3. Open Space Requirement. If a CUP is required, this draft proposes that at least 70 % of the gross area of a project site within a Rural Land Use Designation and at least 25 % of the net area of a project site within any other land use designation be set aside as open space. This differs from the current ordinance requirement of 70% of the *net* area of a project site within a Non-Urban (Rural) Land Use Designation.

While the current ordinance allows up to 100% of the required open space to be improved, this draft encourages required open space to be contiguous and in a natural state. More specifically, it proposes that in a Rural Land Use Designation, up to 33% of required open space may be improved. In other land

use designations where the majority of the parcel borders lands within a Rural Land Use Designation, up to 50% of required open space may be improved. In all other land use designations, up to 100% of the open space may be improved.

Unlike the current ordinance, which does not require separate open space lots or the maintenance of these lots, this draft proposes that subdivisions requiring separate open space lots must preserve and maintain them in perpetuity, either through: 1) dedication to a government entity; 2) dedication to a non-profit; 3) a conservation easement; or 4) a maintenance agreement with a Home Owners' Association if the other options are not feasible.

4. Design Standards. The current ordinance does not contain design standards for projects located in HMAs. While this draft also does not contain specific design standards, it references the Hillside Design Guidelines, which are also being updated. These Guidelines include a variety of design techniques that represent best practices for a variety of hillside contexts. Projects will need to demonstrate “substantial compliance” with these Guidelines in order to meet the findings of this draft. The Guidelines state that substantial compliance means that projects must satisfy a certain number of the best practices depending on the project size.