

Brief Comparison of the 2012 Draft vs. 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 as it compares to the previous draft that was released in December 2012:

1. Purpose

December 2012 Draft	November 2013 Draft
To protect scenic hillside views, conserve natural hillside character, and avoid excessive grading and landform alteration through sensitive hillside design, the preservation of open space, and the promotion of compatible development and land uses.	To ensure that development preserves the physical integrity and scenic value of HMAs, provides open space, and enhances community character by: <ol style="list-style-type: none"> 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. Definitions

December 2012 Draft	November 2013 Draft
Defines HMAs as any portion of a lot or parcel containing a terrain with a natural slope of 25% or greater.	<p>Definition of HMA remains the same as the 2012 draft.</p> <p>For purposes of the Conditional Use Permit requirement, the definition of HMA does not apply to HMAs under a certain size.</p> <p>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.</p>

2. Applicability.

December 2012 Draft	November 2013 Draft
<p>Applies to apply to four types of projects: 1) Subdivisions, 2) Development of two or more contiguous lots or parcels in a coordinated effort, 3) Relocation of property lines to create three or more contiguous lots or parcels in a coordinated effort, and 4) Private infrastructure projects unrelated to a development project (e.g. construction of roads, sewer lines, drainage facilities, etc.).</p>	<p>Applies to any development (as defined for this ordinance specifically) being undertaken in an HMA. This draft then lists the exceptions to the Conditional Use Permit 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.</p>

3. Open Space Requirement.

December 2012 Draft	November 2013 Draft
<p>At least 70 % of the gross area of a project site within a Non-Urban, Rural, or Open Space land use designation and at least 25 % of the net area of a project site within any other land use designation shall be set aside as open space.</p> <p>Open space should be undisturbed and contiguous with existing open space on adjacent parcels to the extent feasible. Residential, industrial, and commercial activities will not be allowed in open space areas; only certain types of improvements (parks, playgrounds, trails, community gardens, brush clearance, etc.) will be permitted.</p>	<p>70% and 25% provisions remain the same as in the December 2012 draft. At least 51% of natural open space must be configured into a contiguous area.</p> <p>In Rural Land Use Designations, 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. Improved open space can include parks, playgrounds, community gardens, golf courses, trails, etc.</p> <p>Subdivisions requiring separate open space lots must preserve and maintain them in perpetuity, either through: 1) dedication to a government entity; 2)</p>

	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.
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4. Design Standards.

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<p>This draft contains design standards related to development location, lot width, structure height, terracing, grading, street access and design, stormwater runoff, and retaining walls</p>	<p>All design standards were removed from this draft and placed into an updated version of the Hillside Design Guidelines. These Guidelines include a variety of design techniques that represent best practices for a variety of hillside contexts.</p> <p>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.</p>