

4.14 HILLSIDE OVERLAY DISTRICT (HO).

4.14.1 Purpose and Intent.

The purpose and intent of the Hillside Overlay District is to promote the health, safety and welfare of current and future residents of the City of Hailey by regulating development on hillside areas, to:

1. Preserve the environmental, recreational and aesthetic values and other benefits of hillsides, integral to the character of the City;
2. Maintain slope and soil stability;
3. Prevent cuts and fills, including those for access roads and driveways, that exacerbate the natural hazards, such as erosion and landslide, associated with developing on hillsides;
4. Encourage grading that follows natural contours and require drought-tolerant and/or native landscaping where existing vegetation has been disturbed;
5. Limit the extent of disturbance to natural grade and existing vegetation associated with any development;
6. Direct development of buildings and other structures to appropriate areas of lowest elevation on hillside properties where such areas are part of the parcel or lot under consideration;
7. Direct development in a manner that avoids natural hazards associated with developing on hillsides;
8. Ensure safe and reasonable access to and from the properties, including access by emergency services;
9. Ensure adequate review of all land use proposals that may have an impact on the above;
10. Allow public non-motorized recreational access and use of hillsides where appropriate to the terrain, access and neighboring uses;
11. Regulate site alteration and structural development in the Hillside Overlay District to assure that site alteration and development occurs in the Hillside Overlay District only when no sufficient available area for the proposed site alteration or development exists outside of the District and all other criteria under this Chapter have been met, and to assure that any site alteration and structural development within the District occurs in a manner that minimizes hillside visibility.

The intent of the Hillside Overlay District is to direct development to land outside of the Hillside Overlay District. Only when no area for development exists outside of the Hillside Overlay District and all other criteria under this Chapter have been met may a site alteration occur within the District. Even then, the development must be located at a site within the District which will minimize its hillside visibility. Conditions of approval should be placed on all applications to ensure that any development will be limited in its bulk, design, and use of materials to minimize its visibility from public streets.

4.14.2 Establishment of the Hillside Overlay District.

The Hillside Overlay (HO) District is hereby established. The regulations of this Overlay District shall apply to all areas of land within the City shown on the Official Zoning Map, which generally correspond with hillside slopes which equal or exceed fifteen percent (15%). The Overlay District applies to these properties regardless of zoning district designation.

An application to amend the HO District boundary on any parcel based on a site specific survey is subject to Article XIV.

4.14.3 General Application.

The Hillside Overlay District shall set forth use and bulk requirements for buildings and structures located within the HO District. Where the regulations specified in this Section differ from corresponding regulations specified for the underlying zoning district, the requirements of the HO District shall govern. The regulations of the HO District shall not apply to platted lots existing within Hailey City Limits prior to the effective date of this Ordinance, on March 8, 2006.

4.14.4 Uses and Restrictions.

4.14.4.1 Permitted Uses.

Permitted uses for the HO District are limited to the following:

- a. Single family residences and garages accessory thereto, only where no area outside the HO is available for a building envelope that is at least 2,500 square feet in size.
- b. Public recreation, including non-motorized pathways.
- c. Home occupations.

4.14.4.2 Conditional Uses.

Conditional uses for the HO District are limited to the following:

- a. Below ground public utility facilities.

4.14.4.3 Bulk Requirements.

Unless otherwise noted below, bulk requirements shall be as required by the underlying zoning district.

- a. Maximum Lot Coverage – All buildings and structures, including fences (except wire fences), shall be fully contained within the platted building envelope. If no building envelope exists, maximum lot coverage shall be 40%.
- b. Maximum Building Dimension – No building dimension shall exceed 75 feet.
- c. Maximum Building Height – 28 feet.

4.14.4.4 Subdivision of Land. If any portion of a property is located within the HO District, a subdivision shall include designated building envelopes. There shall be no further subdivision of any real property which would result in the creation of a building envelope that is located, in whole or part, within the HO District.

4.14.4.5 Permit Required. A Hillside Site Alteration Permit shall be obtained before any Development begins within or upon any area located within the HO District.

4.14.5 Application. An application for a Hillside Site Alteration Permit shall be made to the Planning and Zoning Commission by at least one (1) holder of any interest in the real property. Conditional uses as described in 4.14.4.2, above, must also apply for a Conditional Use Permit pursuant to Article XI of the Hailey Zoning Ordinance. Applications shall be submitted to the Hailey Planning Department.

4.14.5.1 The application shall include at least the following information:

- a. Name, address, and phone number of the applicant.
- b. Proof of interest in the subject property.
- c. Legal description of the subject property, including street address.
- d. Description of existing use.
- e. Zoning district of subject property.
- f. Description of proposed use.
- g. A plan of the proposed site for the use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, landscaping, exterior lighting plan as required by Article VIII B, refuse and service areas, utilities, signs, property lines, north arrow, and building elevations.
- h. A list of the names and addresses of all property owners and residents within three hundred feet (300') of the external boundaries of the land being considered. The Commission may determine that a larger area beyond 300 feet from the external boundaries should receive notice, in which case the list of names and addresses shall be expanded.
- i. A fee established in a separate ordinance approved by the City Council.
- j. Where applicable, submittal requirements of the International Wildland/Urban Interface Code (IW/UIC Section 405).
- k. Grading Plan: A Grading Plan shall be submitted indicating compliance with standards of evaluation. The Grading Plan shall include:
 - i. Existing and proposed topography in one (1) foot contour intervals. The Grading Plan shall be at a scale of not less than one inch equals twenty feet (1"=20'), or other scale as deemed adequate by the City Engineer;
 - ii. All existing site features such as trees, rock outcroppings, streams and natural hazard areas such as floodplain or avalanche;
 - iii. All existing easement and utility locations;
 - iv. Cut or fill slopes clearly shown and differentiated by shading tone, color, or line weight;
 - v. Ratio of horizontal to vertical measurement for cut and fill slopes;
 - vi. The final contours to be achieved by the grading, including existing contours that remain, and two cross sections through the building envelope;
 - vii. Finish and spot grade elevations for wall and fence construction, paved and recreational surfaces;
 - viii. Roof drainage, drip lines and snow deposit areas;
 - ix. The amount of earth in cubic yards to be moved on to and off of the site;
 - x. For public roads, private roads and driveways, cross sections at a maximum of 100 foot intervals plus major breaks in terrain, showing the height of cuts and fills; and,
 - xi. A soils report for the building site, streets and/or driveways.
- l. Storm Drainage Plan: A Storm Drainage Plan shall be submitted indicating compliance with standards of evaluation. The Storm Drainage Plan may be incorporated with the Grading Plan. The Storm Drainage Plan shall include:
 - i. A map indicating the on-site and off-site drainage applicable to the area; and,
 - ii. Engineering plans of any proposed subsurface drainage improvements to be constructed as part of the proposed development.
- m. Erosion Control Plan: An Erosion Control Plan shall be submitted indicating compliance with standards of evaluation. The Erosion Control Plan shall include:

- i. Detailed plans showing the location of all erosion structures and a time schedule for the installation of said structures;
- ii. Location, type and amount of plant material to be used for erosion control, and the month and year that said vegetation will be planted.
- n. Wildlife Plan: A Wildlife Plan shall be submitted indicating compliance with recommendations from Idaho Fish and Game, or documentation from Idaho Fish and Game stating that the subject property is not in a known wildlife migration or habitat area.

4.14.5.2 Concurrent Submission. A Hillside Site Alteration Permit Application should be submitted and reviewed concurrently with other applications affecting the same piece of property. Additional time for review of concurrent applications may be specified by the Administrator. Concurrent submissions shall be voted on separately.

4.14.6. Public Hearing.

4.14.6.1 The Administrator shall mail to each addressee on the list furnished by the applicant pursuant to Section 4.14.5.1(h) of this Article, a copy of the notice of the time and place of the hearing at least fifteen (15) days before the date set for the hearing. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or decision. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

4.14.6.2 The Administrator shall have a copy of the notice published at least one (1) time in the official newspaper of the City. The publication of the notice shall be at least fifteen (15) days before the date set for the hearing.

4.14.6.3 The notice of the hearing which is mailed and published shall contain:

- a. The time and place of the hearing.
- b. A brief description of the land which is the subject of the matter to be heard.
- c. The purpose of the hearing and the use of the land which is sought.
- d. Any other information which is necessary or desirable in the public interest.

4.14.7 Standards of Evaluation.

The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.

4.14.7.1 General.

- a. The siting of new buildings or structures shall demonstrate through visual simulation graphics or other graphic means that the building or structure does not skyline from any public street or improved public trail.
- b. Buildings shall be designed with neutral colors or with colors naturally found in the surrounding hillsides.
- c. All recreation uses and amenities shall be appropriate to the terrain, with minimal visual impact.

- d. All development shall minimize impact on wildlife migration corridors and wintering grounds.

4.14.7.2 Grading.

- a. Unstabilized cut slopes shall be designed and constructed according to the recommendations of a qualified engineer, unless a structural alternative such as a retaining wall or other measure acceptable to the City is provided.
- b. Retaining walls may be preferred as a means to break up long, uninterrupted cuts. These retaining walls should be interspersed with other cut slopes if possible to break up the length. Retaining walls should be no higher than four feet or terraced with a three foot horizontal separation of walls. They should be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials. Landscaping should be provided within or in front of extensive retaining walls.
- c. Cuts and fills shall be shaped, rounded, minimized and non-uniform to simulate natural existing contours.
- d. No grading shall be allowed for purposes other than for the preparation of the ground for structures and for access.
- e. All slopes greater than thirty percent (30%) shall remain undisturbed, unless otherwise required by the Wildland/Urban Interface Code. If evidence acceptable to the City is provided showing that the strict enforcement of this provision would prohibit access to the lot or that placement of utilities would be impossible, then the applicant may apply for a waiver to this provision. Waivers shall only be considered in situations where strict application of the requirements of this section will deny to the developer the reasonable and beneficial use of the property in question, and not in situations where the developer establishes only that exceptions will allow a more financially feasible project.
- f. All retaining walls and grading shall comply with the most currently adopted edition of the International Building Code.

4.14.7.3 Storm Drainage.

- a. Provisions for runoff discharge shall be designed to safely retain storm water or adequately carry and discharge accumulated runoff into drainage channels, storm sewers or natural watercourses so it does not cause damage or flooding to neighboring properties. The design standard shall be the 25-year, 1-hour rainfall event defined as 1 inch per hour.
- b. The Commission may require the applicant to design and construct drywells or other drainage improvements to control and reduce runoff from the site. The design for these facilities, including the soil percolation rate for all drywell locations, shall be submitted for approval as part of the Storm Drainage Plan.

4.14.7.4 Erosion Control.

- a. All areas on the property graded for development, disturbed by construction or altered in any other way which may increase soil loss due to water and wind erosion shall be stabilized by one or more of the following methods:
 - i. re-vegetated with native drought tolerant plant materials including, but not limited to, flowering plants, low shrubs or native grasses growing in the immediate vicinity; or,
 - ii. stabilized with flexible, biodegradable materials or synthetic soils erosion matting in conjunction with native grasses.

Where native grasses are used for erosion control, written specifications shall be submitted to the City indicating the grass mix, preparation of seed bed, method of application and maintenance schedule;

- b. Where vegetation is proposed as an erosion control method for disturbed or graded land, the new vegetation shall be adequately maintained to prevent erosion.

4.14.7.5 Public Streets, Private Streets, Driveways and Utilities.

Public Streets, Private Streets, Driveways and Utilities shall meet the definitions and design standards of the Hailey Subdivision Ordinance No. 821.

- a. Public and private streets, driveways and utilities shall run with the existing natural contours to the maximum extent possible.
- b. Cut and/or fill areas for public and private streets and driveways shall not exceed five (5) feet above or below Record Grade.
- c. Grades for public and private streets and driveways shall be constructed in accordance with the Hailey Subdivision Ordinance No. 821. Exceptions and additional standards for driveways are noted below.
 - i. The Commission may approve additional grade up to a maximum slope acceptable to the Fire Chief, if the Commission finds that the proposed grade results in a driveway that better meets the intent and purpose of this HO District;
 - ii. if the driveway is greater than 150 feet in length, there shall be an approved turnout that meets fire department turnaround criteria and standards;
 - iii. The minimum turning radius for any private driveway shall be in conformance with the standards of the Wildland/Urban Interface Code.

4.14.8 Action by the Commission.

The Commission shall make a decision to approve, conditionally approve, or disapprove the application within thirty (30) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Commission shall review the application, all supporting documents and plans, and recommendations of City Staff in making their decision.

4.14.9 Conditions.

The Commission may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to, those which will:

- a. Preserve the environmental, recreational and aesthetic values and other benefits of hillsides, integral to the character of the City;
- b. Maintain slope and soil stability;
- c. Prevent cuts and fills, including those for access roads and driveways, that exacerbate the natural hazards, such as erosion and landslide, associated with developing on hillsides;
- d. Encourage grading that follows natural contours, and encourage native landscaping;
- e. Require that any grading performed adhere to best practices for engineering and soil conservation to avoid erosion and landslides and to have as minimal effect on the environment as possible;
- f. Require maintenance for 3 years, and financial security in an amount required by the Commission, of graded areas where vegetation is proposed as erosion control to ensure that such re-vegetation conforms to the approved Erosion Control Plan;
- g. Direct development of buildings and other structures to appropriate areas of lowest elevation on hillside properties where such areas are part of the parcel or lot under consideration;

- h. Ensure safe and reasonable access to and from the properties, including access by emergency services;
- i. Require conformance with approved plans;
- j. Require guarantees such as performance bonds as to compliance with the terms of the approval, and,
- k. Control the sequence, timing and nature of development.
- l. Require that all development shall conform to any approved Grading Plan, Storm Drainage Plan and Erosion Control Plan.

4.14.10 Notification by the Administrator.

The Administrator shall give the applicant written notice of the Commission's decision by mail within ten (10) days after the Commission has reached its decision.