

LAND USE ORDINANCE 2008-04

CHAPTER 20

HILLSIDE PROTECTION OVERLAY ZONE (HPO)

20.1. PURPOSE AND INTENT.

The purpose of the Hillside Protection Overlay Zone is to protect the health, safety, and general welfare of the residents of the Town of Leeds by establishing procedures for the development of sensitive hillsides within the Town. The standards set forth herein are intended to: 1) minimize adverse soils and slope instability; 2) decrease potential erosion; and 3) reduce the adverse affects of grading and cut and fill operations. These procedures are also intended to preserve the natural character of hillsides and encourage development that is in harmony with the aesthetics and character of the Town. These standards shall apply to all zoning districts listed in Chapter 12 of this Ordinance and not as a separate zone. These standards shall especially apply to development of land locations having sloping terrain of 20 percent or more, and shall also apply where slopes are less than 20 percent if after recommendation by the Planning Commission, the Town Council considers it is warranted. There shall be no development of land having a slope of thirty (30) percent or more.

20.1.1. The provisions herein are intended to achieve the following:

- 20.1.1.1. To preserve the most visually significant slope banks and ridge lines in their natural state by clustering development into meaningful neighborhood units.
- 20.1.1.2. To encourage the location, design and development of building sites which provide maximum safety and human enjoyment, while adapting the development to the natural terrain.
- 20.1.1.3. To minimize the effects of grading and ensure that the natural character of the hillside is retained. In addition, to minimize the scarring and erosion affect of cutting, filling, and other development activities on hillsides.
- 20.1.1.4. To preserve visually significant rock out-croppings, native plant materials, natural hydrology, and areas of historical or visual significance.

- 20.1.1.5. To encourage development that is designed to include the natural landscape as a major part of the site, thereby achieving a feeling of continuity throughout the project area.
- 20.1.1.6. To preserve views of significant visual features as viewed both within the hillside community as well as outside the hillside community.
- 20.1.1.7. To discourage mass grading of large pads and excessive terracing.
- 20.1.1.8. To prohibit activities and uses that would result in the degradation of fragile soils and steep slopes.
- 20.1.1.9. To prevent damage to lower property no cut or fill operations is allowed within twenty (20) feet of the edge of a hillside or within any area where material may slide over the hillside, which ever is the greater distance.

20.2. OVERLAY ZONE.

The Hillside Protection Overlay Zone established by this Chapter shall overlay the existing zoning classifications listed in the Land Use Ordinance. In cases of conflict between the provisions of this Chapter, other zoning classifications, the Uniform Building Code, or the Town of Leeds Subdivision Ordinance, the most restrictive provisions shall apply.

20.3. MAPS.

Zoning maps for the Town of Leeds may not show all the areas where the Hillside Protection Overlay Zone Ordinance applies. In absence of a map concerning a particular area, land with slopes of eleven degrees (11°) or twenty-percent (20%) or steeper shall be specifically applicable. However, this Ordinance applies to all areas of the Town of Leeds. If developers or property owners are unsure whether the Ordinance applies, they may hire a surveyor to make that determination.

20.4. APPLICATION PROCEDURE.

- 20.4.1. All application procedures described in this Ordinance, the Leeds Town subdivision Ordinance for subdivision plats, and all other applicable Leeds Town ordinances shall be adhered to as described in the underlying zoning district.
- 20.4.2. In addition, any application for a use in the Hillside Protection Overlay Zone shall include a conceptual plan of the proposed development that shall include the following:

- 20.4.2.1. The type and nature of the development.
- 20.4.2.2. The goals and objectives of the developer.
- 20.4.2.3. The development's relation to the compatibility with the Town of Leeds General Plan.
- 20.4.2.4. The required reports described in Section 20.5. below. The conceptual plan shall be reviewed by the Planning Commission and the Town Council. The review may determine the extent of required plans necessary to meet the intent of this Ordinance. The review may also establish conditions for the approval based on the findings of such reports. These conditions shall become a part of the record and be considered binding upon the applicant as part of an approved plan.

20.5. REQUIRED REPORTS.

The following described reports may be required by the Planning Commission or Town Council. The extent of such reports shall be determined by the Planning Commission or the Town Council after consideration of the purpose and intent of this Chapter in relation to the proposed development.

20.5.1. General Information.

- 20.5.1.1. Name, address, and telephone number of applicant.
- 20.5.1.2. Name, addresses, and telephone numbers of the person(s) responsible for the preparation of any required reports.
- 20.5.1.3. Date of application.
- 20.5.1.4. A vicinity map showing the location of the site in relationship to the surrounding area's watercourse, hillsides, prominent geographic features, roads, and other significant structures.
- 20.5.1.5. Boundary lines of the site and development to be made thereon.
- 20.5.1.6. Signatures of the owners of the site or of an authorized representative.

20.5.2. Technical Reports.

20.5.2.1. Grading Plan.

The grading plan shall show the existing and proposed contours and cross-sections. Accurate contours showing the topography of the

existing ground extending at least one hundred (100) feet outside all boundary lines of the site, or significant to show on the off-site drainage, shall also be included.

20.5.2.2. Drainage Plan.

The drainage plan shall show all surface and subsurface drainage systems and facilities, walls, curbing or other erosion protection devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated run-off of the area to be served by any drainage systems or facilities.

20.5.2.3. Facilities Map.

This map shall show any existing and proposed buildings or structures, easements and drainage channels on the property where the work is to be performed. In addition, the locations of any buildings or structures on adjacent property that may be affected by grading operations shall be shown.

20.5.2.4. Soils Report.

The soils report shall be prepared by an engineering geologist and/or geo-technical engineer. The report shall include at least the following:

20.5.2.4.1. Slope stability analysis: conclusions and recommendations concerning the effects of material removal, introduction of water, ground shaking, and erosion on slope stability.

20.5.2.4.2. Foundation Investigation: Conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including bearing capacity, shear strength, and shrink-swell potential of soils on the site.

20.5.2.4.3. The location and yield of springs and seeps on the site, evaluation of soil permeability for septic systems if proposed for use.

20.5.2.4.4. Conclusions and recommendations regarding means to increase safety during and after construction and means to minimize adverse effects to property.

20.5.2.5. Geology Report.

The geology report shall be prepared by a qualified geologist or geo-technical engineer and shall contain at least the following:

- 20.5.2.5.1. Location and size of the subject area and its general setting, noting any aquifers, shale units, and poorly consolidated materials.
- 20.5.2.5.2. Structural features including any geological limitations.
- 20.5.2.5.3. Existence of surface hazards including potential for rock falls and toppling failures in cliffs, slopes, and overhangs above the subject property.
- 20.5.2.5.4. Conclusions and recommendations regarding the effects of geologic conditions on the proposed development, recommendations identifying the means proposed to minimize any hazard to life or property, or any adverse impact on the natural environment.

20.5.2.6. Vegetation Report.

A vegetation plan and report shall be prepared by a qualified landscape architect who, by training and experience, has expert knowledge of the subject. The report shall include a plan of any proposed re-vegetation of the site or modifications to existing vegetation, and a plan for the preservation of existing vegetation during construction activities.

20.5.2.7. Other Reports.

Other reports deemed necessary by the Planning Commission or the Town Council to assure the health, safety, and welfare of the project residents or general public may be requested from the applicant by written specification. Such reports shall be submitted with other application materials.

20.6. APPROVAL REQUIRED BEFORE EXCAVATION.

It shall be unlawful to excavate or grade any area within the Hillside Protection Overlay Zone prior to the final approval of the conceptual plan by the Town Council. In addition to the penalties outlined in Section 1.13 of this Ordinance, the Town of Leeds may enter legal proceedings to require any person who violates this Section to return a site to the condition found prior to any disturbance.

20.7. BONDING.

The Planning Commission and Town Council will require the applicant to post a suitable bond to ensure project completion according to approved plans and completion of re-vegetation projects, the stabilization of a grading site, cuts, and fills, the construction of storm water drainage facilities, or other hazard mitigation measures required in the

approval of an application. Such bonds shall comply with the provisions outlined in the Town of Leeds Subdivision Ordinance. If the applicant is a state entity, the bond shall be filed to the Town by the subcontractors.

20.8. APPEALS.

20.8.1. In the event of a disagreement with the requirements imposed by an officer of the Town of Leeds in connection with this Chapter, an applicant may appeal the matter to the Board of Adjustment by filing a notice of appeal at the Town Office within ten (10) working days of the decision of the Town. Such appeal shall be scheduled for review by the Board of Adjustment.

20.8.2. The Board of Adjustment may uphold, modify or rescind any requirements imposed by the Planning Commission or the Town Council, but must ensure that the purposes of this Chapter are met.

20.8.3. Any further appeals must be made through the court system.

20.9. DEVELOPMENT OF RECORDS.

The requirements of this Chapter shall not apply to developments or subdivisions that were approved prior to January 1, 1999.