



# Victor Hillside Overlay

## Alternatives Worksheet

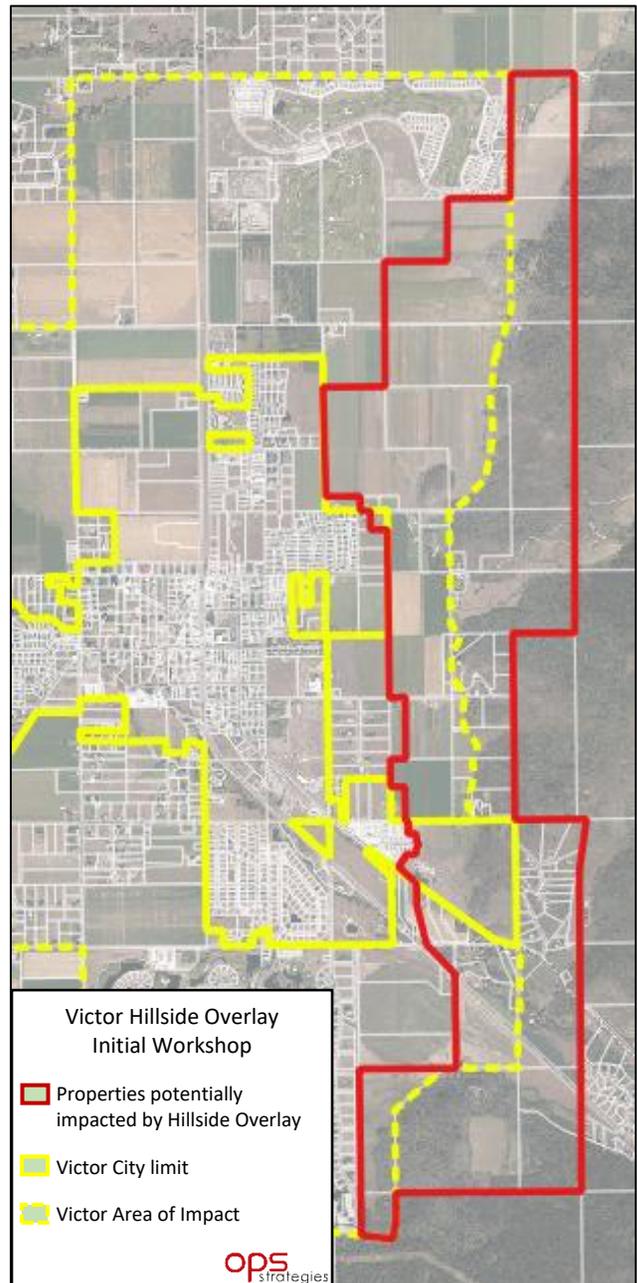
### Introduction

The purpose of the Victor Hillside Overlay is to establish supplementary standards that address the unique characteristics of the hillside areas of Victor and the Victor area of impact. The Hillside Overlay will address infrastructure (water, sewer, roads), natural resources (wildlife, erosion, views), density, and open space.

The purpose of this workshop is to evaluate the high-level options available regarding each of these topics. Once high-level direction is provided, regulations will be drafted in order to review the more detailed implications of that direction.

In general, the Victor Hillside Overlay will apply to properties that intersect the Victor area of impact (which may move in the future) and have slopes of 10% or greater or wildlife habitat. These properties are on the eastern edge of Victor. A map of the general area of the potential Hillside Overlay is provided at right. There are 82 properties identified as potentially impacted by the Hillside Overlay; of those 82 properties:

- Current Jurisdiction
  - 2 are within Victor
  - 23 are entirely within the Victor Area of Impact
  - 10 intersect the Victor Area of Impact
  - 47 are outside the current Victor Area of Impact
- Slopes
  - 55 include 5-10% slopes
  - 40 include 10-20% slopes
  - 17 include 20-30% slopes
  - 7 have isolated slopes over 30%



- Density
  - 24 are in existing subdivisions
  - 20 are less than 5 acres (not subdividable at RC zone)
  - 8 are 5-10 acres (subdividable at a 2.5-acre gross density – the RC zone)
  - 8 are 10-20 acres (subdividable at a 5-acre gross density)
  - 13 are 20-70 acres (subdividable at a 10-acre gross density)
  - 9 are over 70 acres (subdividable at a 35-acre gross density)

## Infrastructure Alternatives

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While the Victor hillsides are not exceptionally steep relative to other communities, they pose unique infrastructure considerations compared to the rest of Victor.

### A. Water and Sewer

Victor is currently contracting with Sunrise Engineering to complete an upper-pressure zone study. It will identify the upper elevation to which the current water system can provide adequate pressure. It will also guide the improvements needed to provide adequate pressure above that elevation. With regard to sewer, the opposite problem exists. In a sewer line that is too steep, the water will outrun the solid, leaving it to clog the system rather than carrying it downhill. These elevation-related challenges introduce design and operation challenges that do not exist elsewhere in the Victor system.

#### 1. De-annex property with slopes over 10% and avoid future annexation of such property

The elevation of water and sewer issues become private matters by de-annexing properties with slopes over 10%. Developers will be responsible for meeting DEQ requirements for their individual developments. The DEQ will evaluate neighbor concerns about adequacy of water supply and treatment based on studies performed by the developer prior to development approval. Victor will have no obligation to provide water or sewer service to the development. Through the area of impact, Victor can still influence the development's density and location without introducing new infrastructure obligations that are atypical for Victor. Also, as a general rule, the feasibility of municipal water and sewer diminishes at densities in the range of 1 unit per 2-5 acres – which are the highest densities being discussed for the portion of the Hillside Overlay on slopes.

#### 2. Require developers to install the necessary infrastructure per City specifications

If sloped property remains within the Victor city boundary for all of the reasons annexations are appropriate, Victor may have an obligation to provide some level of water and sewer service. In such case, the developer can be obligated to make necessary improvements to the City system to

the specifications of the City. The cost and recapture can be established through a development agreement. Studies like the upper-pressure zone study will be important so that the City can specify an appropriate solution for the existing system and operations capabilities of Victor.

### 3. Limit use of potable water for irrigation

In addition to either Option 1 or 2, Victor could limit the use of potable water for irrigation through the Hillside Overlay. The purpose of such a standard would be to preserve groundwater as potable water. Even on residential properties, irrigation can be an enormous water consumer and pulling that water from the drinking water source could exacerbate any supply issues. Such a standard would require use of surface irrigation rights first and limit the amount of irrigated area on a residential lot. The limitation would likely be implemented along with other limits on the size and location of building envelopes.

## B. Roads

The standard city road cross-section requires a 24-foot surface. However, the Fire Code only requires a 20-foot surface. On slopes, that 4-foot difference in width can translate into significant cut and fill. The question is whether to encourage private streets in the Hillside Overlay to minimize cut and fill.

### 1. Private roads

Section 12.4.4 allows for private streets under certain circumstances. Development on slopes over 10% could be added as one of those circumstances. Private roads would not have to be built to the standard city street cross-section, but would have to meet the standards of the Teton County Fire District. Easements for connection to future subdivision should not be an issue because such connections should not be designed to ascend the hillside and the Hillside Overlay abuts public land. If sloped property is de-annexed, the roads will be private anyway.

### 2. Public roads

If the densities are low enough and the development is pushed downhill far enough, there will be no tradeoffs between road design and minimizing alternations to the natural topography. In any case, if a developer builds a road to city standards, within the city boundary, Victor will maintain it. Public roads also serve as a form of access and may provide a way to preserve historic access to public lands through road design.

## Natural Resource Alternatives

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The natural resource considerations on Victor's hillsides include wildlife habitat, erosion, and visual resources.

## C. How to define wildlife habitat

Introducing wildlife habitat protections has two components – defining the habitat to be protected and deciding on that habitat’s protections. Regarding the first issue, the primary question is whether the habitat is defined by wildlife use as determined by site-specific review by a qualified professional, or vegetative cover as an indicator of likely habitat that does not require a professional in all cases.

### 1. Use the current Natural Resources Overlay Map to identify properties for further study

The current [Teton County Natural Resource Overlay Map](#) identifies much of the potential Hillside Overlay as big game migration corridors and seasonal range. There is also a small portion identified as songbird/raptor breeding and wintering habitat. The current natural resource definitions and map could form the basis of an environmental study requirement that would require a qualified professional to identify the areas on a site that qualify as protected habitat and then require development to avoid those areas or mitigate unavoidable impacts. This is the approach Teton County, Wyoming and the Town of Jackson. In this approach, habitat is defined by wildlife use for most habitats, which requires site review by a qualified professional.

### 2. Rely on IDFG 2014 map of indicator habitat cover types

Another approach is to focus on vegetative covers that are indicators of habitat. Teton County Idaho, is exploring this approach to implement the existing natural resources overlay without having to always rely upon biologist/ecologist site review. In this approach, the Idaho Fish and Game’s [A Summary of Key Fish and Wildlife Resources of Low Elevation in Teton County, Idaho](#) is used to identify indicator habitats, which are defined by vegetative cover. Development would be required to avoid fragmentation of the indicator habitats and be required to mitigate unavoidable impacts. This approach introduces the ability for non-specialists to identify compliant site designs in some cases while still allowing for qualified professionals to submit site-specific analyses related to wildlife use.

## D. How to protect wildlife habitat

Most wildlife protection regulations involve avoiding habitat impacts whenever possible and then mitigating unavoidable impacts. Mitigation often includes minimizing impacts by clustering development on-site and across sites, as well as requiring habitat enhancement to offset the impacts that do occur. The key question regarding habitat protections is how they will affect the density allowed by the base zoning.

### 1. Regulate location without affecting density

Under this approach, the goal is to locate the allowed density so as to avoid wildlife impacts, without any effect to the allowable density. Property owners would retain their base density and a

base amount of site impact. Impacts that can not be located to avoid development would be mitigated through clustering and revegetation.

## **2. Require density reduction if impact cannot be avoided**

Under this approach, the allowed density and site development would be reduced if it cannot be located to avoid habitat. Only a bare minimum amount of development would be allowed to impact habitat, and that impact would have to be mitigated. As an extreme example, a property comprised entirely of protected habitat might be allowed a 5-lot subdivision with clustering and other mitigation measures under Option 1, but only a single home under Option 2.

## **3. Encourage impact avoidance through density bonus**

Under this approach, density incentives would encourage property owners to limit their development footprint and habitat impact in exchange for additional density. This option can be used with Option 1, but may not be applicable in situations where the entire property is protected habitat.

## **4. Create a separate wildlife overlay**

Regardless of which option is chosen regarding how to protect habitat, it could be applied outside of the Hillside Overlay through the creation of a wildlife overlay separate from, but overlapping, the Hillside Overlay. Such an overlay would probably apply one of the above approaches more broadly to the wetland habitats that exist elsewhere in the Victor area of impact. Existing wetland and floodplain protections already protect wetland habitat to an extent. Such an approach is also outside the scope of this project and would have to be explored at a later date.

## **E. Grading, stormwater, and erosion control**

Stormwater and erosion control planning is especially important on steeper slopes. However, managing stormwater can be an important issue everywhere. The current Victor code addresses grading cut and fill for subdivisions, but otherwise has few standards with regard to grading and erosion control.

### **1. Introduce grading and drainage standards specific to the Hillside Overlay**

In this approach, grading, erosion control, stormwater, steep slope, and geotechnical analysis standards would be introduced and apply only in the Hillside Overlay. These standards would minimize cut and fill and ensure runoff was managed appropriately both during and after construction. They would also ensure no development occurs on steep slopes or unstable soils. They could mirror the requirements being considered by Teton County. Applying the standards to the Hillside Overlay would avoid unnecessarily introducing requirements on development in the rest of the City.

## 2. Introduce grading and drainage standards generally to the City

In this approach, the same standards would be added to Article 11 and apply to the entire City. Many of the standards would still only practically apply to the steeper areas of the Hillside Overlay. However, some of the standards, such as erosion control measures, might benefit other sites in the City as well. Under this approach the Hillside Overlay would have stricter language requiring site plan review for all applications to ensure these general standards are given closer review in the overlay.

## F. Visual resources

Hillsides adjacent to a city are visual resources as well as wildlife habitat. Because of their elevated position, they are visible from the rest of the City and impact how all people in Victor experience the valley. On this topic, the options are an al-a-carte menu rather than competing choices.

### 1. Additional dark sky protections

Division 11.4 of the current code limits outdoor lighting. The Hillside Overlay could introduce additional limitations on outdoor lighting to preserve the dark skies above town.

### 2. Protect skyline penetration

Skyline protections prohibit the construction of buildings and other structures on ridges and other high points. These regulations are often designed to protect a natural ridgeline as viewed from a specific location. In this case, the viewpoint would likely be Highway 33 or Baseline Road. Protecting the skyline is often a justification for a variance or administrative adjustment to other standards such as setbacks.

### 3. Avoid significant natural features

Rock outcroppings and stands of trees are significant natural features that provide visual resources. If such features are not already protected by wildlife habitat or grading protections, they can be protected by visual resource protections. Where protecting a visual resource conflicts with protecting a wildlife resource or protecting slope stability, the visual resource would be the first impacted.

## Density Alternatives

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The Hillside Overlay offers the opportunity to modify base zoning requirements or combine parts of various zoning districts without having to create a new zoning district. When thinking about density and location of development, the questions revolve around base density, bonuses for open space, and how to handle already subdivided lots.

## G. Density

The Hillside Overlay is a transition from Victor into the neighboring public lands and Teton County. As a result, the Residential Cluster (RC) zone is the most appropriate Victor zoning district to consider. Similar to Driggs, Victor could likely apply its zoning within its area of impact. Densities in the RC currently range from 1 unit per 5 acres if only 25% open space is provided to 1 unit per 2.5 acres if 75% open space is provided. The Hillside Overlay also provides the opportunity for additional standards that would increase the quality and quantity of protection in these more sensitive areas.

### 1. RC zoning with overlay modifications to the open space standards

One option for the Hillside Overlay is to apply the RC zoning and density throughout the overlay, then use the overlay standards to modify only the open space requirements not the densities. For example, the development would be pushed as far away from the hillside slopes as possible and the steep slopes prioritized for open space.

### 2. RC base with increased open space for subdivision

Building on Option 1, in addition to hillside specific open space standards in the overlay, the open space requirements could be increased in the overlay. For example, 75% open space for 1 unit per 2.5 acres could become 90%, 50% for 1 unit per 3.75 acres could become 75%, and 25% for 1 unit per 5 acres could become 60%. The increased open space would provide greater habitat and visual resource protection while still allowing for the minimum lot sizes in the RC.

### 3. RC density bonus for open space only applicable to development on the flats

With or without the increased open space requirements in Option 2, locating development on the flats could be added as a requirement for increased density. A property owner could only access the increasing density after providing additional open space and locating the buildable lots in the flats, off of the hillside. On properties entirely on the hillside, with no flats, the density increases could not be accessed regardless of the amount of open space offered.

### 4. RC with an additional density bonus for development on the flats

As an alternative to Option 3 (that would work with 1 and 2), instead of requiring development on the flats, such development could be further incentivized by increasing the density bonus for development on the flats. In this scenario, a subdivision with open space on the hillside and development on the flats would get more lots than the same size subdivision with the same amount of open space that had lots on the hillside.

### 5. Large (10- or 35-acre) base with RC subdivision densities for lots in the flats

Finally, RC is not the only starting point. Another option would be to ask the County to put a 10-acre or 35-acre base zoning district on the properties then apply the open space requirement through the overlay. In this situation, Victor would use a low-density County base zone then allow subdivision (and rezone) to RC density if the subdivision met standards described in some combination of Options 1-4.

## H. Replicating subdivision open space requirements on a single lot

While the largest development impacts will come from subdivision, there are a number of properties in the potential Hillside Overlay that are not subdividable. The question is whether some of the same clustering considerations discussed for subdivisions above should apply to building permit lots in the overlay. On this topic, the options are an al-a-carte menu rather than competing choices.

### 1. Require a single building envelope

A single building envelope would require that all lot coverage be contained within a contiguous shape and prohibit multiple driveways into a parcel. Such a requirement would require barns and accessory units to utilize the same driveway as the main residence. The RC lot coverage requirement is already pretty strict, with a 10,000-sf max regardless of lot size, which will keep driveways short and buildings small relative to lot size. The single building envelope will keep that development compact as well. The maximum building envelope could be sized to match the minimum lot size in the RC.

### 2. Native vegetation

The building envelope, or another tool, could also be used to limit the extent of ornamental landscaping and fencing that is not wildlife-friendly. Under such a standard, the area outside the building envelope would be required to be native vegetation that does not require irrigation and is not maintained. Outside the building envelope, all fencing would have to be wildlife-friendly.

### 3. Cluster to neighbors

The limited lot coverage of the RC zone will pull buildings toward the road to a certain extent. By further limiting lot coverage or requiring that building envelopes be located adjacent to one another, additional clustering can be achieved even when lots have already been subdivided. However, depending on the base density chosen, such a requirement might have little benefit. On lots less than 2.5 acres, even when homes are clustered, the area between the homes will not be large enough to provide wildlife habitat or visual resources.

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## Other Considerations

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The following additional issues have been raised or suggested.

### 1. All applications in the Hillside Overlay require Council approval

Such a requirement would elevate decisions typically made by the Planning Administrator or Planning and Zoning Commission to the City Council. Such a requirement ensures that applications in the Hillside Overlay have a public hearing. It can also put applications in front of Council that Council has little authority to influence. The appropriateness of such a standard will likely depend on the chosen approaches to the other issues. The more discretion is used in addressing Hillside standards, the more appropriate a Council review is. If the purpose of this overlay is to establish predictable rules for safe hillside development, future Council review may not be needed.

### 2. Preserve historic access to public lands

Traditional trail access to public lands is currently identified as a secondary open space priority. One option would be to elevate it to a primary priority to increase the likelihood it gets included in open space provided as part of a subdivision. On properties not being subdivided, it is difficult to require a public access easement. The City and partners could pursue non-regulatory approaches to identify and secure such easements.

### 3. Additional wildfire protection standards

Wildfire protection standards beyond those currently in place by the Teton County Fire District could also be imposed in the Hillside Overlay. Such standards often govern defensible space around a building and exterior materials used. Wildfire best practices can also be referenced in relation to appropriate densities. Many of the alternatives for hillside protection are consistent with wildfire protection standards, but wildfire protections can conflict with some standards, such as native vegetation protections.