

April 3, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202401016

Subject: Hillside Overlay District Issue Spotting

Reference Document #202301262

The Climate, Environment & Infrastructure Committee, at its session on May 9, 2023, referred the following item for review and report:

MOTION, submitted by Councilmember Jeffreys, WE MOVE that the Administration report within thirty (30) days on the status of the updates the City is making to its hillside regulations. This update should include, but is not limited to, an update on:

- Funding sources to cover construction mishaps associated with construction within the hillside district.
- Regulations associated with stormwater runoff.
- Work that is being done to update CAGIS' Hillside Overlay District Map.

ORIGINS AND VALIDITY OF THE CAGIS HILLSIDE OVERLAY DISTRICT MAP

The CAGIS Hillside Overlay District Map was created and last updated in 2004 at the time of the adoption of the most recent Zoning Code. This map shows those areas of the City where the Hillside Overlay District regulations apply. The regulations guide development in existing hillside areas to ensure it is compatible with the natural environment and a quality urban environment. The regulations are especially focused on locations where the hillsides are of significant public value as determined by the City policy as outlined in the document "A Hillside Protection Strategy for Greater Cincinnati," 1991.

The Hillside Overlay District layer on CAGIS is typically applied to hillside areas where the existence of a 20% slope is combined with the KOPE geologic formation, the shale bedrock that is overlaid by colluvial soils. The layer was created through a digitization of the 1980 "Landslide Susceptibility Study and Map" prepared in 1980 by the consulting firm of Sowers and Dalrymple for the Department of Transportation and Engineering. This map divides the City of Cincinnati into four categories of landslide susceptibility: low, moderate, moderately high, and high. Most areas categorized as moderately high and high are included in the boundaries of the Hillside Overlay Districts. The map is also used by the Department of Buildings and Inspections to determine the need for further geotechnical investigation, requiring geotechnical involvement in areas categorized as moderately high and high.

This study is still considered to be an accurate portrayal of the landslide susceptibility in Cincinnati. If it is determined that further review of the 1980 Landslide Susceptibility Study and Map is warranted, allocation of funds to retain a consultant to perform this work is required.

FUNDING SOURCES

The City does not currently provide funding for construction mishaps associated with private development on private properties - either in a hillside area or otherwise. The Administration does not recommend committing public funds to this purpose and instead recommends focusing on updating or creating appropriate regulations to address the risk.

HILLSIDE DEVELOPMENT REGULATIONS

Buildings & Inspections (B&I) convened several meetings of City agencies that regulate development of landslide prone properties, mostly found within Hillside Development Overlay zoning districts. The group identified multiple challenges with management of development within the landslide prone areas. These are summarized below:

- The Zoning Code presently expresses most of the City's aspirations and requirements for development on hillsides. While a GIS layer is a good tool to establish heightened development regulations, and zoning overlays are effective for guiding a community's design preferences for development, the zoning code is ill-suited to establish the associated construction standards and making engineering determinations.
- Damages from landslides are hard to predict, can be financially calamitous to the City and affected property owners, and nearly impossible to insure. A key consideration is to what degree the City should consider preventative strategies, including further studying our landslide susceptibility, preventing poor land management practices like clear-cutting, requiring notice of landslide susceptibility with deeds and property documents, and weighing whether some land is simply not suitable for development.
- Hillside-area specific minimum engineering and building standards do not currently exist and should be created to provide clear standards for hillside development.
- Best practices in mitigation of hillside development risks necessitate a closer examination of the management of stormwater, and the effectiveness and enforcement systems of current stormwater management regulations. This includes examining regulations regarding vegetation and clear-cut management, maximum impervious surface coverage, detention triggers on development and re-development, and detention design requirements.

Given the complexity of these interwoven challenges and the high potential for extensive impacts on development costs and patterns, the Administration proposes to undertake a long-term initiative to update associated law and regulation. Given the multi-department and even multi-government nature of this initiative, the need for extensive community engagement and iteration, and available resources for overseeing such an initiative, this process is expected to take one to two years. However, work is already underway on opportunity identification and changes will be rolled out and implemented throughout this long-term process, as to create more short-term improvement. The Administration will provide periodic updates to Council on the progress.

cc: William "Billy" Weber, Assistant City Manager
Art Dahlberg, Director of Buildings and Inspections
Katherine Keough-Jurs, Director of City Planning and Engagement