

CHAPTER 6

STEEP SLOPE ORDINANCE¹

SECTION

- 14-601. Purpose.
- 14-602. Applicability.
- 14-603. Requirements.
- 14-604. Site plan requirements.
- 14-605. Performance standards.
- 14-606. Exemptions.
- 14-607. Review guidelines and approval procedures.
- 14-608. Compatibility with other permit and ordinance requirements.

14-601. Purpose. The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land. (as added by Ord. #283, March 2004)

14-602. Applicability. This ordinance shall be applicable to any major subdivision or site plan application as defined in the municipal land use law or any project as defined by the Stormwater Pollution Prevention Act located within the municipality. The provisions of this ordinance shall also apply to any land disturbance. Land disturbance for the purpose of this ordinance shall mean any activity involving the clearing, cutting, blasting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion. (as added by Ord. #283, March 2004)

14-603. Requirements. (1) Site design and grading on slopes of ten percent (10%) or greater shall meet all requirements as outlined in § 14-604 of this ordinance. If special consideration is needed, the requirements of § 14-607 of this ordinance will apply in approving the proposed plans.

(2) Site design and grading on all slopes greater than ten percent (10%) shall provide the minimum disruption of view corridors and scenic vistas and shall preserve significant natural topographic features to the greatest extent possible. (as added by Ord. #283, March 2004)

14-604. Site plan requirements. (1) For all earth moving activities on all slopes of ten percent (10%) or greater, the applicant shall submit a site plan prepared by a professional engineer which includes at a minimum the following:

¹Municipal code reference:

Standard codes adopted: Title 12, chapter 1.

(a) Slopes in classes of 0-10%, 10-25% and greater than 25% based on two foot (2') contours analyzed at ten foot (10') intervals.

(b) Location of all water bodies including but not limited to streams, lakes and wetlands.

(c) Existing natural and topographic features.

(d) Location of all proposed and existing buildings and streets.

(e) Location of all existing vegetation including meadow, forest, and scrub lands broken down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for re-vegetation shall also be included.

(f) Specific methods which will be utilized to control soil erosion and sedimentation, soil loss and excessive stormwater runoff both during and after construction.

(g) A statement and description of the stability of the soils on-site and the appropriateness of the construction method proposed.

(h) Hydrology, drainage and flooding analysis to include a statement on the affect of the proposed development upon water bodies or wetlands in the vicinity of the project

(i) A statement describing the underlying geology attesting to the stability of the site.

(j) Calculations of the area of proposed disturbance of each slope class on each proposed lot as well as within any proposed road right-of-way.

(k) Grading plan for the construction site and all access routes.

(2) The site plan submitted shall be reviewed by the municipal engineer. The municipal engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

(3) No grading permit shall be issued and no grading or site clearing shall occur until a site plan including all of the above items has been reviewed and approved by the municipality. (as added by Ord. #283, March 2004)

14-605. Performance standards. All development proposals which propose development on steep slopes shall conform to the following performance standards:

(1) Plans for construction on all slopes of ten percent (10%) or greater must be approved by the planning commission before a grading permit is issued and shall demonstrate slope stability and erosion control before any occupancy permits are issued by the municipality.

(2) Should the applicant wish to preserve land with steep slopes, the applicant may offer the land for dedication to the municipality or may form a private land trust or a non-profit agency in order to preserve and maintain the these areas in their natural state.

(3) The use of conservation easements on steep slopes may also be offered to reserve these areas in perpetuity. (as added by Ord. #283, March 2004)

14-606. Exemptions. Land development plans which were approved prior to the adoption, date of this ordinance shall be exempt from these requirements. (as added by Ord. #283, March 2004)

16-607. Review guidelines and approval procedures. (1) The planning commission may approve development within steep slope areas if the planning commission finds that:

(a) The proposed construction is appropriate for the requested location.

(b) The proposed construction will have no significant impact on the steep slope area.

(c) The proposed construction is of relatively low value, except for items related to vehicular bridges.

(2) The board of zoning appeals may consider variations from the requirements of this section. In considering such variations, the following guidelines shall be considered:

(a) Construction in the steep slope area is accompanied by adequate toe of slope improvements.

(b) Approval could be recommended if slope improvements effectively increase the stable slope angle.

(c) The entire slope shows no indication of instability.

(3) Variation from any restriction could be recommended if the requested construction is less nonconforming than the existing condition and the slope does not show any sign of instability; or if the applicant submits evidence based on current geotechnical engineering practices such as the simplified bishop method of stability analysis whereby variables of soil shear strength, ground water level, unit weight of soil and slope angles are considered which result in the determination that the particular slope is stable at an angle greater than twenty five (25) degrees. (as added by Ord. #283, March 2004)

14-608. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare and the protection of water quality. (as added by Ord. #283, March 2004)