
For more information, visit our Web site
at **www.townofboone.net** or call
the Development Services Department
at (828) 262-4540.

Steep Slope

How regulations
affect property owners



TOWN OF
BOONE

This brochure is an attempt to clarify the steep slope/viewshed regulations adopted by the Boone Town Council on Oct. 2, 2006. There are two primary reasons for the regulations:

- 1) Safety or the identification of land areas subject to possible slope failure, and
- 2) The protection of the scenic beauty and natural environment of Boone's hillside areas vital to preservation of the character of our community and continued economic development.

The regulations are designed to neither prohibit nor discourage development. They support single-family residential development. For existing homes and grandfathered situations, the regulations may actually expand what people can do. For example, homes already too big when brought into zoning can still be increased in size by 10%. There is a provision in the Unified Development Ordinance (UDO) that if an existing home is destroyed, it can be rebuilt to its original footprint, even if it exceeds current regulations.

A 2002 real estate industry report and reviews of the literature on the effects of land-use regulations document how land-use regulations raise rather than lower property values in most situations.

The regulations encourage higher density development, including multi-family and mixed-use development at lower elevations and less dense development in our viewshed, which includes our steeper slopes.

A geologic hazard map was not adopted. There are now two steep slope categories: **Steep Slopes** at 30-50% and **Very Steep Slopes** above 50%. By comparison, the maximum grade for DOT roads is 18%.

Most people will not notice any difference with the adoption of these regulations unless they plan to build or add to an existing structure that actually disturbs a steep slope, a very steep slope or an area where a geologic hazard exists. If there is land disturbance on a very steep slope, a geologic analysis is required to determine slope stability and whether or not remedial measures to maintain slope stability are needed. In the case of land disturbance on steep slopes or where a geologic hazard indicator exists, a geologic analysis may be required, as determined by Development Services, but is not automatic.

The viewshed includes only development that can actually be seen 100 feet and above major corridors (221, 321, 421, 105, 194). Though the viewshed map

Adopted by Town Council

Disturbance for septic systems is not included in the total land disturbance calculations.

Persons developing in the viewshed are encouraged, rather than required, to design development along ridgelines in an effort to reasonably minimize the visual impact.

Persons developing in the viewshed are encouraged, rather than required, to reasonably site any structure to minimize its visual impact and to reasonably preserve and protect foliage and trees.

The recommended requirements apply only to streams on very steep slopes or steep slopes, and there is a provision for channelization of perennial streams on steep slopes if a tract existing at the time of the adoption of these ordinances is rendered unusable for any of the uses allowed within the zoning district.

A Prime Designer, either an architect or engineer, is needed to oversee the entire development project and to certify that all requirements of the approved development are followed. There is an exception for single-family and two-family projects of less than ½ acre or commercial site improvements that involve no more than 2,500 square feet of land-disturbing activity.

Proposed by Task Force

Adoption of a Geologic Hazard Map with Red, Orange and Green Zones as an "overlay" district.

Geologic Analysis required for the development of any property in the Red or Orange Zones.

Minimum lot size of 2 acres for property in the Red Zone.

Minimum lot size of 1 acre for property in the Orange and Green Zones.

Viewshed: Land areas which are more than 100 feet above the nearest major valley floor.

Red Zones:

Development density: 10% Maximum Floor Area Ratio and 15% Maximum Total Land Disturbance.

Orange or Green Zones:

Development density: 15% Maximum Floor Area Ratio and 30% Maximum Total Land Disturbance.

Adopted by Town Council

Two steep slope categories:

Steep Slopes at 30%-50% and

Very Steep Slopes above 50%.

No Geologic Hazard Map was adopted.

Geologic Analysis required for land disturbance on very steep slopes and may be required for land disturbance on steep slopes or where a geologic hazard indicator is present, as determined by Development Services.

No minimum lot size.

No minimum lot size.

Viewshed: Land areas which are more than 100 feet above the nearest major corridor and only applies to development that can be seen from a major corridor (221, 321, 421, 105 and 194).

For properties in the viewshed zoned RA (Rural Agriculture), intensity regulations remain the same (10% Maximum Floor Area Ratio) and for all other properties in the viewshed, including single-family, multi-family and commercial, the existing R-1 (single-family) intensity regulations apply (16% Maximum Floor Area Ratio), but the Maximum Floor Area Ratio exemption for single family homes does not apply in the viewshed.

Property up to 2 acres in size in the viewshed is limited to $\frac{3}{4}$ of an acre of land disturbance. There is no limit on land disturbance for lots up to $\frac{3}{4}$ of an acre.

The maximum allowable land disturbance for property in the viewshed which is larger than 2 acres is limited to $\frac{3}{4}$ of an acre for the first 2 acres, plus 30% of the additional property, which is 37.5% maximum land disturbance for a 2-acre lot or 35% maximum land disturbance for a 3-acre lot.



Proposed by Task Force

Rooflines may not rise above the nearest adjacent ridgeline.

Trees may be removed only within the Maximum Allowable Total Land Disturbance.

Requirements for all properties in the Red and Orange Geologic Hazard Zones include: no diversion or channelization of perennial streams, culverting of perennial streams only allowed for necessary road crossings, and a required 35-foot riparian zone for existing streams.

A Prime Designer, either an architect or engineer, is needed to oversee the entire development project and to certify that all requirements of the approved development are followed. There is an exception for single-family and two-family projects of less than ½ acre or commercial site improvements that involve no more than 2,500 square feet of land-disturbing activity.

depicts all property within the Town and ETJ 100 feet above a major corridor, the viewshed regulations will apply only to development that can be seen from a major corridor. The map is never the final word concerning whether or not a particular building project is part of the viewshed since whether or not something can be seen depends on the location of the building, the contour of the land, the vegetation which is preserved, and the specific way the building is designed. In fact, many properties as developed both in the Town and the ETJ that are 100 feet and above major corridors cannot be seen, so they are not in the viewshed.

For properties in the viewshed zoned RA (rural agriculture), intensity regulations remain the same (10% maximum floor area ratio) and for all other properties in the viewshed, including single-family, multi-family and commercial, the existing R-1 (single family) intensity regulations apply (16% maximum floor area ratio), but the maximum floor area ratio exemption for single-family homes does not apply in the viewshed. Land disturbance of properties below the viewshed is unchanged.

A 35-foot riparian zone is only required for streams on very steep slopes and steep slopes.

Property up to 2 acres in size in the viewshed is limited to three-quarters of an acre of land disturbance. There is no limit on land disturbance for lots up to three-quarters of an acre. The maximum allowable land disturbance for property in the viewshed that is larger than 2 acres is limited to three-quarters of an acre for the first 2 acres, plus 30% of the additional property, which is 37.5% maximum land disturbance for a 2-acre lot. The actual amount of land that must be disturbed in order to install a septic system is not included in the calculation of the total land disturbance.

Persons developing in the viewshed are **encouraged, rather than required** ...

- o to **reasonably** site any structure to minimize its visual impact,
- o to **reasonably** preserve and protect foliage and trees, and
- o to design development along ridgelines in an effort to **reasonably** minimize the visual impact.

An appeal process is built into the regulations. For specific questions regarding a property in the Town of Boone or the ETJ, please contact Development Services at 262-4540.