Sec. 30.7 Steep slopes overlay district.

Sec. 30.7.1 Purpose and intent.

The purpose of this section 30.7 is to establish an overlay district on those lands within the development areas of the county as delineated in the comprehensive plan which have steep slopes and for which additional development design care and consideration must be given, prior to permitted development occurring.

The board of supervisors finds that whenever steep slopes within the overlay district are disturbed, their disturbance should be subject to appropriate consideration and care in their design and construction in order to protect the integrity of the steep slope areas, protect downstream lands and waterways from the adverse effects of the unregulated disturbance of steep slopes, including the rapid or large-scale movement of soil and rock, or both, excessive stormwater runoff, the degradation of surface water, and to enhance and preserve the character and beauty of the steep slopes in the development areas of the county.

The board also finds that certain steep slopes, because of their characteristics, should be preserved to the maximum extent practical, and that other steep slopes, whose preservation is not required, should be managed. Preserved slopes are those slopes that have characteristics that warrant their preservation by the prohibition of disturbance except in the limited conditions pro-vided in this overlay district. Managed slopes are those slopes where development may occur, provided that design standards are satisfied to mitigate the impacts caused by the disturbance of the slopes.

(§ 30.7.1; Ord. 14-18(2), 3-5-14)

State law reference(s)—Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

Sec. 30.7.2 Applicability.

Section 30.7 shall apply to all privately and publicly owned lands within the county that are within the boundaries of the steep slopes overlay district and depicted as being managed or preserved slopes on the series of maps entitled "Steep Slopes Overlay District," which are hereby adopted as the zoning map of the steep slopes overlay district. Within this overlay district, the regulations in this chapter pertaining to critical slopes shall not apply.

(§ 30.7.2; Ord. 14-18(2), 3-5-14)

State law reference(s)—Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

Sec. 30.7.3 Characteristics of steep slopes.

The characteristics of the steep slopes within the overlay district are as follows:

a. *Managed slopes*. The characteristics of managed slopes are the following: (i) the contiguous area of steep slopes is limited or fragmented; (ii) the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond; (iii) the slopes are not natural but, instead, are manufactured; (iv) the slopes were significantly disturbed prior to June 1, 2012; (v) the slopes are located within previously approved single-family residential lots; or (vi) the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.

b. *Preserved slopes*. The characteristics of preserved slopes are the following: (i) the slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes, any or all of which may be less than 10,000 square feet but whose aggregate area is 10,000 square feet or more; (ii) the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond; (iii) the slopes are part of a hillside system; (iv) the slopes are identified as a resource designated for preservation in the comprehensive plan; (v) the slopes are identified as a resource in the comprehensive plan; (vi) the slopes are of significant value to the entrance corridor overlay district; or (vii) the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.

(§ 30.7.3; Ord. 14-18(2), 3-5-14)

State law reference(s)—Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

Sec. 30.7.4 Permitted uses.

The following uses and structures are permitted by right or by special use permit on managed or preserved slopes, provided that the land disturbing activity to establish the use or structure complies with design standards in section 30.7.5 and all other applicable requirements of the Code:

a. *Managed slopes*. The uses permitted by right and by special use permit on managed slopes are as follows, subject to the applicable requirements of this chapter:

    1. *By right*. The uses permitted by right in the underlying district shall be permitted by right on managed slopes.

    2. *By special use permit*. The uses permitted by special use permit in the underlying district shall be permitted by special use permit on managed slopes.

b. *Preserved slopes*. The uses permitted by right and by special use permit on preserved slopes are as follows, subject to the applicable requirements of this chapter:

    1. *By right*. The uses permitted by right on preserved slopes are the following:

        a. *Existing single-family dwelling unit*. Any single-family detached or single-family attached dwelling unit which was lawfully in existence prior to March 5, 2014 may be expanded, enlarged, extended, modified or reconstructed. For the purposes of this subsection, the term "lawfully in existence" includes, but is not limited to, any single-family detached or single-family attached dwelling unit for which a building permit was issued prior to March 5, 2014; provided that the building permit has not expired.

        b. *Existing lot of record; first single-family detached dwelling unit*. Any lot which was a lawful lot of record on March 5, 2014 may establish the first single-family detached dwelling unit on the lot; provided the lot does not contain adequate land area outside of the preserved slopes to locate the dwelling unit. For the purposes of this subsection, the term "lawful lot of record" includes any lot shown on a subdivision plat approved prior to March 5, 2014; provided that the plat is still valid.

        c. *Necessary public facilities*. Public facilities necessary to allow the use of the lot, provided that the lot does not contain adequate land area outside of the preserved slopes to locate the public facilities and one or more of the following exist: (i) the land disturbing activity avoids impacts on other protected resources such as stream buffers or floodplain; (ii) the alignment of the public facilities is consistent with the alignment of public facilities depicted or described in the comprehensive plan; (iii) the disturbance is necessary to provide interconnection required by the

Code or the applicable regulations of other public entities; or (iv) prohibiting the facilities from being located on preserved slopes will cause an unnecessary hardship. To the extent that public facilities are established on preserved slopes, the preserved slopes should be preserved to the maximum extent practicable consistent with the intent and purpose of this overlay district.

d. *Trails*. Public or private pedestrian and bicycle trails.

e. *Accessory uses and structures*. Any uses or structures accessory to a dwelling unit authorized by subsection (b)(1)(a) and (b)(1)(b).

f. *Distribution facilities.* Water, sewer, energy, and communications distribution facilities. To the extent that distribution facilities are established on preserved slopes, the preserved slopes should be preserved to the maximum extent practicable consistent with the intent and purpose of this overlay district.

g. *Legislative zoning actions related to the underlying district*. Any use or structure approved by the board of supervisors in a zoning map amendment whose location is expressly authorized in an approved application plan, code of development, or an accepted proffer, in a special use permit authorized in the underlying district regulations, or in a special exception authorizing a waiver or modification of the requirements of section 4.2.3; provided that the legislative action is still valid and that the use or structure complies with all requirements and conditions approved or imposed in conjunction with the legislative zoning action.

h. *Slopes less than 25 percent based on new topographic information*. Any use or structure allowed by right or by special use permit in the underlying district, provided that the owner submits new topographic information that is based on more accurate or better technical data demonstrating, to the satisfaction of the county engineer, that the slopes are less than 25 percent.

2. *By special use permit*. The only use permitted by special use permit on preserved slopes are private facilities such as accessways, utility lines and appurtenances, and stormwater management facilities, not otherwise permitted by right under subsection (b)(1)(e), where the lot does not contain adequate land area outside of the preserved slopes to locate the private facilities.

(§ 30.7.4; Ord. 14-18(2), 3-5-14)

State law reference(s)—Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

Sec. 30.7.5 Design standards.

The following design standards apply to land disturbing activity to establish a use permitted by right or by special use permit in the steep slopes overlay district.

A. *Retaining walls*. Retaining walls shall meet or exceed the following minimum standards:

1. *Wall height*. The maximum height for a single retaining wall, measured from grade to grade, shall be six feet, except as provided in subsection (A)(3). When the overall retained height would exceed six feet, the retaining wall shall be broken into multiple stepped walls.

2. *Multiple stepped walls; separation*. A minimum horizontal distance of three feet shall be maintained between each individual wall in a stepped wall system, and shall be landscaped with screening shrubs planted on ten foot centers.

3. *Incorporation of wall into design of a building*. Retaining walls may be incorporated into the design of a building so that they become part of the building. Retaining walls incorporated into the design of a building shall not be subject to height limitations of subsection (A)(1).

B. *Cuts and fills*. Any cut or fill shall meet or exceed the following minimum standards:

1. *Rounding off*. Any cut or fill shall be rounded off to eliminate sharp angles at the top, bottom and side of regraded slopes.

2. *Location of toe of the fill slope*. The toe of any fill slope shall not be located within ten feet horizontally of the top of an existing or proposed cut slope.

3. *Tops and bottoms*. Tops and bottoms of cut and fill slopes shall be located either: (i) a distance from existing and proposed property lines at least equal to the lesser of three feet plus one-fifth of the height of the cut or fill, or ten feet; (ii) any lesser distance than provided in subsection (b)(3)(i) the zoning administrator determines would not adversely impact the abutting parcel based on information provided by the owner of the abutting parcel; or (iii) on the abutting parcel if the owner obtains an easement authorizing the slope on the abutting owner's parcel.

4. *Steepness*. Cut and fill slopes shall not be steeper than a 2:1 (50 percent) slope. If the slope is to be mowed, the slope shall be no steeper than a 3:1 (33 percent) slope.

C. *Reverse slope benches or a surface water diversion*. Reverse slope benches or a surface water diversion or both shall meet or exceed the following minimum standards:

1. *When required*. Reverse slope benches or a surface water diversion or both shall be provided whenever: (i) the vertical interval (height) of any 2:1 (50 percent) slope exceeds 20 feet; (ii) the vertical interval (height) of any 3:1 (33 percent) slope exceeds 30 feet; or (iii) the vertical interval (height) of any 4:1 (25 percent) slope exceeds 40 feet.

2. *Width and location of benches*. Reverse slope benches shall be at least six feet wide and located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Benches shall be designed with a reverse slope of 6:1 (approximately 17 percent) or flatter to the toe of the upper slope and have a minimum of one foot. The bench gradient to the outlet shall be between two percent and three percent, unless accompanied by appropriate design and computations.

3. *Flow length within a bench*. The flow length within a reverse slope bench shall not exceed 800 feet unless accompanied by appropriate design and computations demonstrating that the flow length is designed to be adequate to ensure the stability of the slope and prevent or minimize erosion.

4. *Surface water diversions*. Surface water shall be diverted from the face of all cut or fill slopes or both, using diversions, ditches, and swales, or conveyed downslope by using a designed structure. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainage ways, graded swales, downspouts, or similar conveyances.

(§ 30.7.5; Ord. 14-18(2), 3-5-14; Ord. 20-18(1), 7-15-20)

State law reference(s)—Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

Sec. 30.7.6 Amendment of district boundaries.

The boundaries of the steep slopes overlay district, including any lands depicted as managed or preserved slopes on the steep slopes overlay district map, or a slope's designation as preserved or managed, may be amended by the board of supervisors under section 33. In order to remove any lands from the district, the applicant shall submit, in addition to any information required by section 33, field run topography prepared by a licensed engineer, surveyor or landscape architect demonstrating that the lands to be removed from the district do not contain slopes of 25 percent or greater.

(§ 30.7.6; Ord. 14-18(2), 3-5-14)

State law reference(s)—Va. Code §§ 15.2-2280(1), (2), 15.2-2285, 15.2-2286(A)(4).