

May 9, 2007

Mr. Derek Delacourt  
 Department of Planning  
 City of Rochester Hills  
 1000 Rochester Hills Drive  
 Rochester Hills, MI 48309-3033



**Subject: Steep Slope Ordinance Summary**

Dear Mr. Delacourt:

At your request we have prepared a brief summary of the intent, application, and administration of the steep slope ordinance.

#### **WHAT IS THE INTENT OF THE ORDINANCE?**

The intent of the steep slope ordinance is to control development on or near steep slopes to protect the integrity of the slope. **The steep slope ordinance is a permissive ordinance. It is not a prohibitive ordinance.** This means that the steep slope ordinance will not prevent any landowner from undertaking any activity if they can comply with the requirements of the ordinance. The point of the steep slope ordinance is to make sure that any development or improvements that are proposed on or near a regulated steep slope area is reasonable and that necessary measures are implemented to prevent the slope from failing. The steep slope ordinance will therefore operate in much the same manner as the City's other natural features ordinances.

#### **WHEN DOES THE ORDINANCE APPLY?**

The ordinance applies to moderate steep slopes, very steep slopes, and bluff slopes that are within 200 feet of the Clinton River, Paint Creek, Sargent Creek, Stony Creek, or a tributary to any of those watercourses. The ordinance also regulates very steep slopes and bluff slopes that are not located within 200 feet of a watercourse. Moderate steep slopes have a grade of 20% or more, very steep slopes have a grade of 25% or more, and bluff slopes have a grade greater than 40%.

The ordinance then establishes steep slope setback areas that are measured from the top and toe (bottom) of the slope. The length of the setback is based on the severity of the slope because steeper slopes are typically more prone to failure/erosion and therefore have greater setback requirements. The steep slope setback ranges from 15 feet for a steep slope, to 25 feet for a very steep slope, to 50 feet for a bluff slope.

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A landowner must secure a steep slope permit when they propose to conduct a regulated activity in the steep slope setback area. If the landowner proposes activity that is outside of the steep slope setback area, no permit is required. Section (C)(2) of the steep slope ordinance lists all of the activities that are allowed on or near a steep slope, while Section (C)(3) lists all of the activities that require a steep slope permit.

#### **WHO APPROVES A STEEP SLOPE PERMIT?**

The Planning Commission will approve a steep slope permit that is required in conjunction with a site plan, conditional use, or plat. The Engineering Services Department will approve steep slope permits for all other applications, including single family plot plans. The Engineering Services Department will review steep slope permit applications and provide a recommendation to the Planning Commission for those applications that require a Planning Commission approval.

#### **WHAT INFORMATION MUST BE SUBMITTED FOR A STEEP SLOPE PERMIT APPLICATION?**

An applicant must submit a scaled site plan that has been prepared by a licensed professional showing salient information regarding the location of slopes and proposed improvements on the site. The site plan must also indicate existing and proposed final grading contours, and any structural measures that will be implemented to stabilize the slope. The applicant must also submit a written narrative explaining the nature of the proposal, slope stabilization measures, and whether alternative locations exist on the site for the proposed activity.

The reviewing authority can also request additional information if necessary to evaluate the proposal. This optional information includes soils, geology, flora and fauna, and hydrology. These reports can be quite expensive to obtain, so the ordinance gives the reviewing body the authority to require them only when necessary to avoid creating unnecessary expenses for applicants.

#### **WHAT ARE THE REVIEW CRITERIA?**

Section (D) of the ordinance sets forth general and specific review criteria for the Planning Commission and/or Engineering Services Department to follow when evaluating a steep slope permit request. The general criteria are geared towards the general suitability of the slope for development, and the potential impacts of development on the slope itself. The specific criteria deal with technical issues such as grading plans, vegetative cover, driveway and road locations, and the angle of cut and fill slopes, etc.

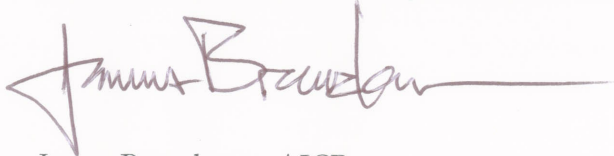
Section (E) of the ordinance lists determinations that the reviewing body must make to approve a steep slope permit. If the reviewing body finds that it cannot make one or more of the determinations, the steep slope permit may not be approved. The review criteria in Section (D) will serve as the metric by which the reviewing body will make its determinations as required by Section (E).

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We look forward to discussing this item with you at the May 15 meeting.

Respectfully submitted,

**McKENNA ASSOCIATES, INCORPORATED**

A handwritten signature in dark ink, appearing to read "James Breuckman", with a long horizontal line extending to the right.

James Breuckman, AICP  
Principal Planner