

Asheville faces slope law choice

By [Joel Burgess](#)

JBURGESS@CITIZEN-TIMES.COM

April 24, 2007 12:15 am

ASHEVILLE — The driveway that leads to Mark McClure's house above Beaverdam Valley is the "steepest piece of paved road" he has ever seen.

The UNC Asheville math professor bought the house overlooking one of the city's most bucolic areas in 2001 and quickly settled in. But McClure, 42, soon began to notice something strange about the structure perched at more than 2,500 feet above sea level.

"My deck started moving, and then my utility lines broke," he said. "I woke up one morning, and there was water just pouring out of the top of my driveway from a broken line."

The experience gave McClure second thoughts about homes on steep mountain slopes — an issue the Asheville City Council takes up tonight.

Rules proposed by the city planning staff could put greater restrictions on building homes such as McClure's. The restrictions would cover 9,618 acres in Asheville.

A new version recommended April 4 by the Planning and Zoning Commission to the City Council could weaken those restrictions, making them apply to only 2,002 acres of some of the highest land with some of the steepest slopes.

The council could vote one way or the other tonight and could find itself split over concerns about public safety, protecting views, housing prices and sprawl.

Could pass tonight

In general, for an ordinance to pass at one reading, it must receive five of the seven votes. Otherwise, an ordinance can pass in two readings if it receives simple majorities both times.

Three of seven council members — Robin Cape, Bryan Freeborn and Brownie Newman — backed the planning staff's tougher rules.

Cape said she did not support the weaker rules, "as they seem counterproductive to the whole reason we started this conversation in spring of 2006. It was not to make it less restrictive but more protective of our community's assets."

Councilmen Carl Mumpower and Jan Davis leaned the other way. Davis, a former Planning and Zoning Commission member, has expressed the need for slope rules

He said he understands the frustration with scars left by mountainside development such as on Reynolds Mountain but does not want to be heavy handed with private property.

"I live on the side of Reynolds Mountain, and I'm not very happy with what is above me, but that was not my mountain to develop."

Mayor Terry Bellamy could not be reached for comment.

Cindy Weeks, Bellamy's co-worker at the nonprofit Mountain Housing Opportunities, was the planning commission member who moved to weaken restrictions. She said she did so out of concern that tighter rules could decrease the number of new

homes, increase housing prices and encourage sprawl.

Affordability concerns

Weeks said at least two West Asheville subdivisions built by the affordable housing nonprofit — Wind Ridge for working families and Compton Place for senior citizens — could not have been constructed under the planning staff's draft.

"I would have supported lower elevation if we had had some recommendations or considerations for any kind of infill housing to allow higher density," she said.

If Bellamy sides with a smaller area for restrictions, Jones could be the deciding vote.

Jones said she did not want to hamper affordable housing but also wanted to do "something about the abuse of our slopes."

"I don't know if it is something where you have to make a choice about two public goods or if it is something that can be modified," she said.

Regardless, Jones said that she, like dozens of residents who attended the April 4 planning commission meeting, had concerns about what they said was a drastic and swift change made by commissioners.

Ann McMartin, of Sunset Drive, said homes above her are being packed in on what looks to be a remarkably steep slope. She had hoped commissioners would recommend the planning staff's rules to restrict construction in all residential areas with 25 percent slopes or more and areas with 15 percent or greater slopes at 2,220 feet or higher.

The rules could be approved by the council and prevent further development like the houses above her, she said.

A 25 percent slope is equal to an 11.25-degree angle. A 100 percent slope is equal to a 45-degree angle.

Change of mind

But after the Biltmore Farms development company expressed concerns with staff's rules, the commission voted 6-1 to reduce the area to be covered. The commission version would affect only land above 2,500 feet with slopes of 25 percent or greater.

"It was just so interesting how it turned around so quickly, just because Biltmore Farms said something," McMartin said.

Biltmore Farms Vice President Paul Szurek said his company was pleased to work with the commissioners and others to help produce the best rules. Biltmore, he said, opposed restricting land with less than a 25 percent slope because of information it got from private engineers and state experts.

"There is consistent agreement that slopes above 25 percent require more care. There is no evidence that slopes between 15 percent and 25 percent require this type of regulation," he said. There was also no indication, he said, that problems started at 2,220 feet — the staff recommendation.

Assistant Planning Director Shannon Tuch said staff chose to tighten the rules at 2,220 feet and higher because current city hillside regulations started at that height. Those who wrote the original regulations in the 1980s researched soils and categorized some as "severe" and more prone to problems, Tuch said.

"The large majority of the severe soils start around the 2,220 feet," she said.

Others, though, such as private planner Gerald Green, said current city sedimentation and erosion rules were already strong enough to prevent runoff problems. Green supported the commission's 2,500-foot recommendation since it would protect views, one of the city's valuable assets, he said.

"I don't think we need to base our elevation on how much land there is but on how visible it is ... the impact development would have on the area as a whole," he said.

McClure, whose property would likely be covered under either recommendation, said having his property slide down the hill

helped put the issue in focus.

He said he's a little embarrassed at how much the problem cost him — about \$60,000 after getting some money back from the builder, building a retaining wall and buying the lot below him for access.

“Obviously, the elevation is not the issue. Ultimately, the steepness of the slope is the issue that causes it,” he said.

Use of this site signifies your agreement to the [Terms of Service](#) and [Privacy Policy](#).

Copyright 2007 Asheville Citizen-Times. All rights reserved.