

## **Ridgeline Protection: Questions & Answers**

### **Is Ridgeline Protection a new concept?**

No. It's been active for more than fifty years.

For example, "Connecticut's Natural Resources: A Proposal for Action"—a 1962 report to Connecticut Governor Dempsey—states that "saving the ridges would be an act of imagination, but what is at stake is close to Connecticut's identity, and once gone is without price."

Throughout the United States, court decisions in the 1970s and 1980s affirmed that local land-use regulations may be enacted to preserve aesthetic factors that contribute to municipal character and quality of life.

### **What measures are commonly used to protect ridgelines, hillsides, and steep slopes?**

Three categories of protective measures are common: density/slope restrictions, viewshed protections, and design/review guidelines. In everyday terms, one frequently finds requirements to:

- \*Cut trees selectively in forested areas and limit large-scale clear-cutting, i.e. restrictions on the amount of existing vegetation that may be cleared for a structure site or building envelope. One common method is to allow removal of trees and other vegetation to create view tunnels for windows, doors, and other key locations of the structure so that views can be seen, but the overall canopy of the woodland is preserved.

- \*Preserve large trees outside the structure site to buffer the structure and help it blend into the landscape.

- \*Screen structures—maintain continuity of tree lines, so there is no notching out and no silhouetting of the structure against skyline. Use view corridors rather than clear cutting to open views from the structure, which also serves to screen the structure and help it to blend into the slope.

- \*Preserve existing vegetation to maximum extent and re-vegetate as necessary to restore screening and continuity.

- \*Site structure below high points and crests/ridgelines.

- \*Restrict size or height of structures; set structure into slope.

- \*Blend structure into natural surroundings via exterior materials and colors.

- \*Control exterior lighting—height, intensity, shielding.

- \*Review site plans or require special use permits.

### **Do other towns in the area protect ridgelines?**

Yes. Gallatin, Hillsdale, Austeritz, Amenia, and Clinton all protect ridgelines, as do our neighbors in Connecticut, including Kent and Canaan/Falls Village, who are part of a Northwestern Connecticut Regional Planning Collaborative that provides "Sample Ridgeline and Hillside Protection Zone Zoning Regulations."

A sample also includes Somers, Bedford, and North Castle in Westchester County, plus Gardiner and others across the Hudson River.

Beyond this sample of nearby municipalities that protect ridgelines and steep slopes, any list then includes towns, cities, and counties from coast to coast. Examples range from suburban to rural and from working neighborhoods to tourist meccas. They include Wilbraham, MA; Farmington, CT; Lafayette Township, NJ; Lake George, NY; Camden, Maine; Stowe, VT, Denver, Los Angeles, and even Hawaii.

### **What measures do other towns use to protect ridgelines?**

*Gallatin (2011):* Gallatin's zoning law designates a "ridgeline protection overlay district (RPOD).... to minimize the visual and environmental impacts of development located on or within 200 feet of a ridgeline by regulating the placement of buildings and structures and limiting the overall disturbance that occurs within any ridgeline regulated area specifically shown on the RPOD zoning map.... All structures shall be sited so that the roof or the top of the structure is located below the ridgeline unless the structure may be fully screened by existing vegetation and appropriate restrictions are placed on the lot to ensure that said vegetation is not removed. The Planning Board may impose conditions or otherwise limit the maximum height of any structure to achieve the objectives of this section....Notching out trees and clear cutting on the ridgeline shall be prohibited. The continuity of the treeline when viewed from a public observation point shall not be disturbed.... Lighting shall be minimized.... The Planning Board may require that a structure be limited to specified earthtone colors to limit visibility of the structure."

*Hillsdale (2007):* "...protect the Town's scenic beauty and rural character by regulating land use within the Ridgeline Overlay District. This section is intended to afford special protection to those sections of ridgeline areas having an elevation greater than 1100 feet above sea level. In particular, it is intended to limit alterations of ridgelines from development, including clear-cutting...., if the Planning Board determines that the proposed development will not be visible from a publicly accessible road, it shall pass a resolution declaring the project exempt from review.... approval may only be granted if, with appropriate conditions attached, the proposed activity or development: 1. Will not result in a degradation of scenic character and will be aesthetically compatible with its surroundings, based on a Visual Environmental Assessment Form (Visual EAF Addendum) or other visual impact analysis....2. Will minimize the removal of native vegetation including the opening up of scenic views and panoramas for the benefit of a private property owner....3. Will locate and cluster buildings and other structures in a manner that minimizes their visibility from a public road. 4. Will be at least 40 feet below the Crest Line of any ridge and will not disturb the continuity of the treeline when viewed from any publicly accessible road.

*Austerlitz (2009):* "The purpose of ridgeline protection is to minimize the visual and environmental impacts of development along the ridgelines and maintain vistas along those lines that are unbroken by the placement of houses and other large structures that alter those vistas. The intent of this section is to protect the dominant ridgelines which provide the primary backdrop when viewed from public areas....All structures shall be sited so that their roofs are located below the ridgeline or hilltop....Shrubs, trees, and other indigenous vegetation shall be retained on hillside terrain to help maintain natural drainage swales, reduce erosion and preserve the character of the hillside. Existing vegetation shall be protected from damage

during construction, and land clearing shall be kept to a minimum in the area of the ridgeline. Notching out of trees and clear-cutting on a ridgeline is prohibited.

*Amenia (2011):* “The purpose of this section is to regulate land uses within designated scenic areas to protect the Town’s scenic beauty and rural character.... Within the SPO District, site plan approval may only be granted if, with appropriate conditions attached, the proposed activity: (1) Will not significantly impair scenic character and will be aesthetically compatible with its surroundings. (2) Will minimize the removal of native vegetation....(3) Will locate and cluster buildings and other structures in a manner that minimizes their visibility from public places. (4) Will be at least 40 feet below the crest line of any ridge and will not disturb the continuity of the treeline when viewed from a publicly accessible place.... (5) Will not result in clearing a building site area, including accessory structures and parking areas (excluding the area required for driveway and utility access), greater than 30,000 square feet in area for a single-family residence....Clearing for such disposal systems shall occur, to the maximum extent practical, where it will not detract from the visual protection purposes of this section.”

*Clinton (2000):* “This ordinance protects ridgelines, scenic views, and historic resources by requiring a permit for development within the overlay district where the planning board must consider standards such as height, design, lighting, land clearing, buffers, setbacks, and signs. Any development that requires a variance from the regulations set forth in the overlay is automatically classified as a Type I action under SEQRA and subjects the proposed use to heightened environmental review.... The Ridgeline Protection Overlay Area includes lands that are 500 feet or more above sea level. Ensuring that tree lines are uninterrupted, that ridge tops are free from manmade structures, and that new structures are compatible with surroundings in these overlay areas will prevent the degradation of the rural, historic character and beauty of the Town. Building permit and special permit applicants are encouraged to: 1) site projects off ridge tops and hilltops, out of sight lines from valleys, and below tree canopies in Ridgeline Protection Overlay Areas....”

*Bedford (2009):* “In granting a ridgeline permit, the Planning Board may establish conditions to minimize impacts, including revisions to the plan.... Such conditions may include, without limitation, any of the following: (1) View and vista preservation. The Planning Board may require that, to the maximum extent practicable, any structure, improvement or other feature of the project not be visible from any public property, roads open to the public or any other area within the Town of Bedford used or accessible by the public. (2) Lighting standards and maximum structure heights that are more restrictive than those permitted under the Zoning Code.... (3) Development envelope or envelopes outside of which further development would be prohibited. (4) Visual buffers. (5) Color and material selection. The Board may require that, to the maximum extent practicable, colors and materials used for the improvements and structures be such that the structures blend into the surrounding environment. (6) Resiting proposed structures, improvements or other aspects of the projects. (7) A declaration of covenants to run with the land and to be recorded in the land records of Westchester County setting forth the conditions for granting approval....”

*from Dutchess Land Conservancy “Planning and Siting Your House: A Guidebook”--*

Consider reducing the prominence of a crestline siting by building lower on the landscape. Locating your house in the middle of the slope will still afford superior views while

providing good natural drainage and easier access. A southeast facing slope will provide good solar orientation, enhancing winter warmth and protection from winter winds. If you take into consideration the natural contours of the hill, you will minimize grading and soil erosion and lessen the danger to the stability of the site.... Avoid Crestline Siting. Locating your house on the crest of a hill increases its exposure to winter winds, the strong summer sun, and disrupts the crestline and the neighbors' views. Soils are typically more shallow on ridge lines and construction of a basement may be costly, if not impossible. If you cannot locate a well at the crest, water will have to be pumped from a site lower than the house....If you must locate your house on a hillcrest retain as many existing trees as possible. Paint or stain your house in a natural color."

### **Does ridgeline protection decrease property values?**

Apparently not. An internet search disclosed no factual information that validates such an allegation. Also, on 20 February 2013, representatives of the Columbia-Greene Board of Realtors were asked to provide examples of places where ridgeline protections deteriorated property values. They had no such examples.

A 2010 Tennessee study of suburban communities throughout the U.S. with immediate proximity to ridgelines and open space suggests that values actually increase. As one example, the study notes that "since the Ridgeline and Hillside District in the Town of Wilbraham [MA] was implemented in 1990, there have been no perceived negative impacts upon property values...The residents welcomed the protection district as the natural views have been maintained which relate to the high market value of properties adjacent to hillsides and ridgelines."

Noteworthy is that some municipalities cite maintaining or increasing property values as a reason for implementing ridgeline protection measures. Examples include:

Somers, NY: "The purpose of this chapter is to...

(2) Safeguard the town's scenic resources, aesthetic and cultural heritage, as embodied in the landscape and geologic features and improvements of the town.

(3) Stabilize and improve property values in such scenic resource areas...

(5) Protect and enhance the town's attractions of open space and scenic beauty to people and the support and stimulus to business thereby provided."

Gardiner, NY: "In recognition of the economic value of Gardiner's natural beauty and...to protect the integrity of scenic views, ridgelines, steep slopes...in order to maintain property values and preserve the open and rural character of the Town...."

Croton-on-Hudson, NY enacted a local law in 1989 because "maintenance and protection of natural terrain and vegetation features is essential to the protection of the general health, safety and welfare, environmental balance and maintenance of aesthetic quality including the protection of the Town's character, property values and its scenic views and vistas."

Wilbraham, MA: "Ridgeline and Hillside District....To insure that development within the District does not reduce property values...by unnecessarily detracting from the natural visual setting or obstructing significant views."

A 1994 report by the Connecticut General Assembly Office of Legislative Research examined approaches the state could take to protect ridgelines from inappropriate

development and noted: “Aesthetics may not just be merely a matter of taste, but may have a financial component as well. A house with a fine view is likely to command a higher market value than a similar dwelling that is not so fortunately situated. Ridgeline development that obstructs or otherwise damages the view could reduce property values. Some maintain that ridgeline regulation implements the principle that while a person has the right to develop their high elevation property, others in the area have a right not to have to see it.”

And looking more broadly...

In 2009, the Town of Salisbury, CT, retained an independent planning and development expert “to conduct a comprehensive review of its land use administration and permitting process, including regulations, policies, agencies, permitting, and staff.” One key point in that report is: “While individual property owners have rights to the use and enjoyment of their property, in our democratic and constitutional system, government has the right and responsibility to protect the rights of individual property owners and the general public health and welfare. This includes natural resources, community character, and even the value of property. Many people believe that land use regulations that limit the use of property decrease the potential value of property. However, this is not the case. Land use regulations, through the regulation of property use, creates predictability and stability in property values, which actually increases property value. It is through this stability that confidence is created, and confidence is the currency in which real estate values trade....

Conflicting perspectives related to private property rights and the role of government regulations (these conflicting perspectives are deeply rooted in the community) are compounded by a picturesque and sensitive natural environment and strong sense of community character. It is this very environment that has historically attracted people, often wealthy people, to this community, and it continues to attract an even wealthier group of people. This asset of natural beauty, what is most likely the community’s greatest asset, is being threatened by a land use system that is not working to balance the individual rights of property owners with the rights of government to regulate land use and to protect the public interests....

Like it or not...While property rights advocates dislike or even fear the land use system imposing regulations on private property, it is the land use system and only the land use system that can provide predictability and stability in the value of real estate to create the confidence necessary for continued investment. If property owners do not feel confident in the future of their property, the future of their neighborhood, the future of their community, and the future of their investment, they will not invest. If the community, through its land use system, cannot balance private property rights with protecting the interests of existing property owners and the protecting the community’s natural beauty and resources (the very asset that is attracting and driving investment), then the charming and picturesque character of Salisbury will be lost as will investment in existing and future property.”

### **The Quest for Balance:**

“Two views are involved with any ridgeline - the one from the ridgeline and the one of the ridgeline. Providing for one may reduce the quality of the other. One involves a definitive action to build, clear or otherwise improve a site, while the other involves maintaining the

existing landscape. One involves the property rights of a landowner while the other involves the rights of a community to protect its essential character. How can one measure the tradeoff between these factors? If a balance is desirable, at what point is it achieved? Is it possible to simultaneously maximize the rights of both parties?"

[Leslie Jones, A Study Evaluating Ridgeline Protection, 1991]

"Land use regulations and processes—the land use system as a whole—are a key component to providing stability, predictability, and confidence. The land use system creates a stable real estate market that is predictable and provides investors the confidence needed to invest. While regulations and processes do place limits on individual properties, they also protect the investments of individual property owners."

[Town of Salisbury, CT, Land Use Administrative Review, Connecticut Planning & Development, LLC, 2009]

"These regulations are enacted with the intent of providing an equitable balance between the rights of the individual property owner to the free use of his property and the rights of present and future generations. Therefore, this chapter recognizes the rights of the owners of property designated as a scenic resource to use their property for reasonable purposes consistent with these and other regulations and controls, provided that such use does not result in a significant loss or impairment to the scenic resource or the functions which they fulfill." [Town of Somers]