

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**Meeting Date:** May 20, 2010

**Subject:** Etowah Horse Shoe Community Plan Implementation – Continued Discussion on Priority Conservation Plan

**Staff Contact:** Parker Sloan, Planner

**Attachments:**

1. PowerPoint Presentation
2. Possible Regulation Options
3. Land of Sky Mountain Ridge and Steep Slope Report Recommendations

#### SUMMARY OF REQUEST:

At its April 2010 meeting, the Planning Board discussed forming a Priority Conservation Plan for the Etowah Horse Shoe Planning Area. The Board discussed data sources and methods for identifying priority conservation areas.

Based on the response and comments of the Planning Board, Staff identified possible regulation options, incentives, and other ideas that could potentially help preserve open space in the Etowah Horse Shoe community (see attachment 2). As requested by the Board, a list of recommendations from the Land of Sky's Mountain Ridge and Steep Slope Report is also provided (see attachment 3). It should be noted that these are examples of regulations that the County could enforce but Planning Staff is not recommending any specific regulations or Board action at this time.

Staff requests the Planning Board discuss the following:

- Strategies for preserving and creating open space (CMLC efforts, incentives, regulations, etc.)
- Consider new or modified zoning, floodplain, or subdivision regulations.

The Edneyville Community Plan (adopted by the Board of Commissioners on May 11, 2010) also recommended that the County adopt an open space plan. Staff recommends the Board provide some general guidance on the above items and continue its discussion on the Priority Conservation Plan when it begins implementing the Edneyville Community Plan recommendations.

#### Suggested Motion:

No motion suggested.

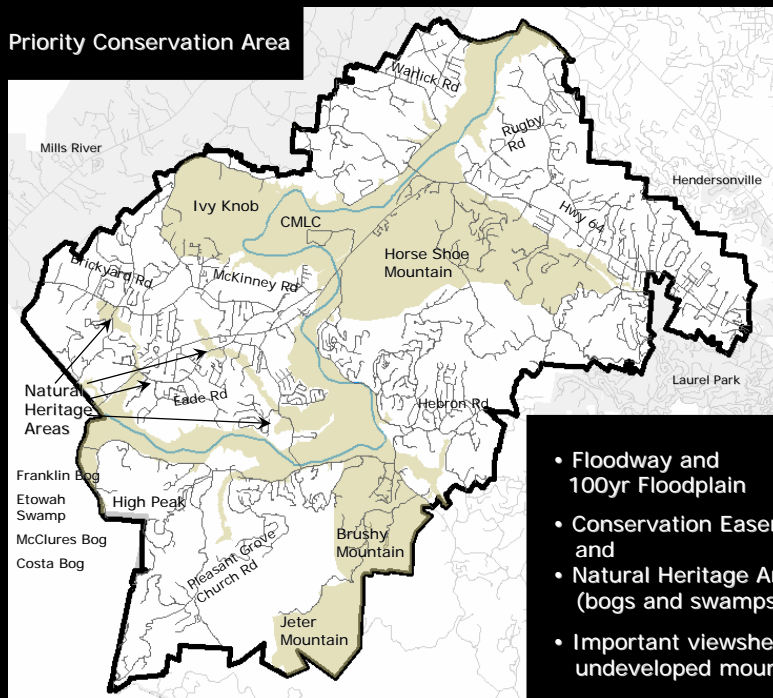


# Etowah-Horse Shoe Priority Conservation Plan



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## Priority Conservation Area



- Floodway and 100yr Floodplain
- Conservation Easements and
- Natural Heritage Areas (bogs and swamps)
- Important viewsheds and undeveloped mountain land

## Overview of Existing Floodplain Regulations

- ❑ A 100-year floodplain is defined as having a 1% chance of flooding in a given year
  - No more than 20 percent of the total 100yr floodplain area in each parcel can be filled.
  - Additional fill may be permitted pursuant to a Special Fill Permit
  - No new manufactured home parks or manufactured home subdivisions shall be allowed within the floodplain
- ❑ \* A 500-year floodplain is defined as having a 0.2% chance of flooding but is not currently regulated

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## Existing Floodway Regulations

- ❑ The floodway includes the stream channel and the adjacent areas that carry the deepest and fastest floodwaters.
- ❑ No encroachments, including fill or new construction shall be permitted
  - Unless the structure is a functionally dependent facility and excludes enclosed structures
  - Or the anticipated encroachments shall not result in any increase of the regulatory flood elevation

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## Current Slope Regulations

- ❑ The maximum residential density for portions of a tract with a slope 60% or greater (where such slope areas of the tract account for 10% or more of the tract) shall be 1/2 the eligible density
- ❑ Soil Erosion Control Plan required for:
  - Any land disturbing activity that uncovers ½ acre or more with an average slope of 16% - 25%
  - Any land disturbing activity that uncovers ¼ acre or more with an average slope of 25% or more

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## LOS Mountain Ridge and Steep Slope Protection Strategies

- A. Geotechnical analysis should be required for proposed developments on slopes greater than 40 percent or in landslide hazard areas as a minimum standard.
- B. When measuring slope for a parcel, the focus should be on the area that will be disturbed, rather than the average slope across the entire parcel.
- C. In steep slope areas, impervious surfaces within the development tract should be limited to no more than 10 percent of the total project area and designers should avoid placing impervious areas on steep portions of the tract. [the Land of Sky report does not define what “steep slope” is]

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## LOS Mountain Ridge and Steep Slope Protection Strategies

- D. At least 50 percent of the entire steep slope development tract should be preserved as forestland; areas within individual parcels and streamside protection areas can be included in this percentage.
- E. In steep slope areas, Streamside Protection Areas should be established on all perennial streams, intermittent streams and wetlands. Protection Area width should be based on the slope of the adjacent land. (Ex: base width of 100ft + 2ft per 1 percent slope on each side of the water body)

Continued

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## Planning Staff Note

- The following possible regulation options and ideas have been identified as possible regulation changes and each one was not necessarily thoroughly investigated. Planning Staff is not recommending any or all of the these specific options.

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## Possible Regulation Options & Ideas

1. Reduce required curve radii to limit cutting and clearing (also reduces construction costs)
2. Based on slope conditions, regulate building width, building orientation, and/ or roof orientation
3. Increase built-upon areas setback for streams (possibly select specific streams)

Possible Regulation Slide 1 of 4

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## Possible Regulation Options & Ideas

4. Ridge Top building height limitations (example: height limit for structures below the highest ridge/ nearest ridge, and/ or over x elevation)
5. For slopes greater than X% or X elevation and certain viewsheds, limit construction to building envelopes of less than 5,000 square feet per home (don't apply this to infrastructure like roads in subdivisions) (Per building or per dwelling unit?, single family or multi family?)
6. Where major development projects contain any portion of a planned greenway, require trail construction (may be credited to any other trail/sidewalk requirement)

Possible Regulation Slide 2 of 4

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## Possible Regulation Options & Ideas

7. Prohibit fill in the 100 year floodplain
8. Reduce zoning density calculation by district or by text amendment for floodplain areas
9. Only allow non residential development in the floodplain (do not allow platting of residential lots in the floodplain)

Possible Regulation Slide 3 of 4

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## Possible Regulation Options & Ideas

10. Major subdivisions dedicate x percent of Priority Conservation Areas (PCA) as permanent open space.
11. Transfer of Development Rights  
legislation for Henderson County (local bill with General Assembly required)
12. Color limitations for construction in viewsheds. (may be difficult to administer)

Possible Regulation Slide 1 of 4

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## Incentives and Other Ideas

- ❑ Consider developing incentives or tax reductions to current land owners, so they won't sell their land (may require changes in state law for present use value program)
- ❑ Promote cultural, "eco", and agricultural tourism
- ❑ Preserve or conserve lands using land trusts and conservation easements (Land Acquisition by CMLC and other groups)
- ❑ Land acquisition for conservation purposes

\*Source: Henderson County 2020 Comprehensive Plan and the Land of Sky Sense of Place Project

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## Discussion Points



- ❑ Strategies for preserving and creating open space (CMLC efforts, incentives, regulations, etc.)
- ❑ Consider new or modified zoning, floodplain, or subdivision regulations

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## Land of Sky Mountain Ridge and Steep Slope Protection Strategies

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- C. In steep slope areas, impervious surfaces within the development tract should be limited to no more than 10 percent of the total project area and designers should avoid placing impervious areas on steep portions of the tract. [the Land of Sky report does not define what a “steep slope” is]
- D. At least 50 percent of the entire steep slope development tract should be preserved as forestland; areas within individual parcels and streamside protection areas can be included in this percentage.
- E. In steep slope areas, Streamside Protection Areas should be established on all perennial streams, intermittent streams and wetlands. Protection Area width should be based on the slope of the adjacent land. (Ex: base width of 100ft + 2ft per 1 percent slope on each side of the water body)

## **Possible Regulation Options and Ideas**

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4. Ridge Top building height limitations (example: height limit for structures below the highest ridge/ nearest ridge, and/ or over x elevation)
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10. Major subdivisions dedicate x percent of Priority Conservation Areas (PCA) as permanent open space.
11. Transfer of Development Rights legislation for Henderson County (local bill with General Assembly required)
12. Color limitations for construction in viewsheds. (may be difficult to administer)

## **Incentives**

13. Consider regulations or tax incentives that encourage large land owners not to sell their land (may require changes in state law for present use value program)
14. Promote cultural, "eco", and agricultural tourism
15. Preserve or conserve lands using land trusts and conservation easements (Land Acquisition by CMLC and other groups)
16. Land acquisition for conservation purposes