

MEMO

TO: Members of the Ad Hoc Committee on Ridge-top and Hillside Regulations.

FROM: John Lamb

DATE: October 10, 2011

SUBJECT: Expanded staff comments and suggestions on recommended regulations by the Ad Hoc Committee.

The Planning Commission requested that staff and the Ad Hoc Committee confer on how to put recommendations of the Ad Hoc Committee into appropriate regulatory language. Staff conferred with Chairman Wright and proposes the following as expansion of previous report to the Planning Commission. This is open for discussion and further direction to staff.

The report of the Ad Hoc Committee recommends regulations as follows in Point 6, referring presumably to inclusion in Section 9 of the Subdivision Regulations relating to Hillside Development Standards:

- (a) Prohibit clear cutting of trees (use guidelines as recommended by State of Tennessee's "Firewise" program.
- (b) Require use of low impact roads (explanation attached)
- (c) Minimum of 20 ft. setback on all buildings from property lines and roads
- (d) Require "Buffers" between sub-divisions and public roads, where applicable.

Item 6(a) was discussed briefly by the Planning Commission, noting that there are limitations on regulating "clear cutting of trees" since this could be considered as an agricultural (forestry) harvesting activity with protections in State Statutes. The intent seems to be integration of "Firewise" principles into regulations. Firewise principles mainly address the siting or location of buildings in relation to combustible materials such as trees, shrubs and grass, especially in mountainous or sloping areas. Application of Firewise principles is not particularly suited to integration into the Subdivision Regulations which address the division of land

and provision of supporting infrastructure. The Firewise principles would be applied better at the time of building permit and construction, and would be integrated more appropriately into the zoning permit system.

Staff requests further discussion by the Ad Hoc Committee on integration of Firewise principles into regulations, and suggests that a training of the whole Planning Commission may be appropriate – possible date of Monday, October 31 (also available for training hours).

Item 6(b) refers to the following as attached in the report of the second ad hoc committee:

Low impact road construction is:

1. Simply following the contours of the terrain where possible.
2. Vertical cuts and 1-1/2 to 1 fills. Vertical cut to be made in stable materials such as rock, soft shale, etc. Unstable areas should be enhanced by rock gabions, landscape boulders, ground cover or vegetation, in addition to other methods used for soil stabilization.
3. Road grades higher than 16% should be allowed for short distances.

All the above will improve the visual impact of the road construction, because it will reduce the disturbed area as much as 75% in some cases. It also increases the stability of the subgrade making the road construction much stronger.

The proposal for low impact road construction mirrors much of what is already required and applied in steep terrain developments through our existing Subdivision Regulations. However, it would be appropriate to review the Subdivision Regulations to see if there are areas that may be improved to reduce visual impact of road and other construction associated with the division of land. It would be useful if the second ad hoc committee would provide technical references for their recommendations.

In practice, the Planning Commission has varied road grade to 17%, consistent with established engineering standards for construction of roads in mountainous

areas. It may be appropriate to set the upper limit at 17% as a variance option based on requiring specific engineering justification by the subdivider within the subdivision process.

Item 6(c) recommends a uniform 20 foot setback from all property lines. This would be consistent with the present 20 foot rear setback requirement, would extend the present 10 foot side setback requirement by 10 more feet, and would reduce by 10 feet the present 30 foot front setback requirement. Given the recommendation on Firewise principles, the setback from property lines may need to be greater than the recommended distance to accommodate fire protection measures, and a 20 foot setback may not be enough. The proposed setback changes would need to be addressed in both Subdivision Regulations and Zoning.

Item 6(d) recommends buffering for subdivisions. This is an item that may have merit, but needs more specificity as to what would constitute buffering. Staff requests discussion by the Ad Hoc Committee on the intent and thinking behind this recommendation.

Staff and Chairman Wright briefly spoke also about the base density requirements in the R-2 zone, presently at a base of one unit per five acres (minimum five acre tract), with option of clustering at an average of one unit per three acres with commensurate dedication of open space on hard paved roads (effectively 1.5 acre minimum lot size with clustering). The Subdivision Regulations allows only minimum five acre tracts on gravel roads.

Staff notes that the clustering provisions are difficult to administer since there are some differences between Subdivision Regulations and Zoning Regulations. Staff notes that the Conceptual Land Use Plan has as a density break point of one unit per three acres (minimum three acre lot size) between the R-1 (lowland) and R-2 (upland mountains) land use categories. It may be appropriate for the Ad Hoc Committee to explore also density regulations as one way of addressing ridge-top and hillside regulations.