

**To:** Buncombe County Commissioners  
**From:** Nathan L. Pennington, CFM, Planning Director  
**Through:** George Wood, Interim County Manager  
Jim Holland, Assistant County Manager  
**Date:** November 20, 2018  
**Subject:** Case # ZPH2018-00035 Turi/Oast Applicant Initiated Text Amendment (Steep Slope/Protected Ridge Overlays)

**Application Summary:** The applicant, Mr. Robert Turi, through his attorney, Bob Oast, is proposing significant changes to the Steep Slope/High Elevation and Protected Ridge overlay requirements in order to accommodate the development of a speculative hotel/resort.\*\*

**Regulatory History:** The protection of steep slopes began in Buncombe County in 2003 as a reaction to widespread subdivision development within the high elevation and ridgetop areas which became prevalent as part of the building boom that preceded the Great Recession. The City of Asheville began to bolster their hillside development standards beginning in 2006 and ultimately approved a Steep Slope ordinance in 2007. Buncombe County followed suit with the passage of the Steep Slope and Protected Ridge overlays in October of 2010. The requirements were adopted after much work and were a collaborative product of numerous conversations and workshops, with citizens, design professionals (including landscape architects, geotechnical engineers and other industry experts), community leaders, advocacy groups, NC Geological Survey, builders, realtors, the Planning Board and elected officials. The result has been to craft regulations that guide commercial and multi-family development away from ecologically sensitive areas (where utilities are not present) and where the highest potential of unstable and landslide prone soils exist toward areas that are less prone to these hazards. The regulations were created with objective data in mind and include property that is in excess of 35% slope and is located above 2500 feet in elevation, and where protected ridge lines exist (above 3000 feet) to supplement the provisions of the Mountain Ridge Protection Act of 1983.

**Action of PB:** The Planning Board heard an initial text amendment that was recommended for denial on June 4, 2018 and a subsequent text amendment that was unanimously recommended for denial on August 20, 2018.

**Recommended Action:** DENIAL, reasons for the denial are outlined in the Planning Board Resolution to Deny dated August 20, 2018 and are further illustrated in the following bulleted points:

- \*\*The text amendment would not only apply to the applicant's property but would be applicable to all properties within the overlay districts throughout the County.\*\* For reference purposes, approximately 37.6% of property within the County's jurisdiction falls within one or both of the overlays.
- The text amendment represents a preference. The applicant's property contains multiple developable pockets that are not located within the overlays and would not require text amendments that could have significant detrimental effects overall.
- Proposes subjective language (design standards) that would be difficult to evaluate and enforce and places increased pressure on the Board of Adjustment to consider multi-family and commercial applications in environmentally sensitive areas.
- Conflicts and is deeply divergent with the purpose and intent of the overlay districts as well as the Comprehensive Land Use Plan, the Sustainability Plan and subsequent updates.