



# BUNCOMBE COUNTY PLANNING AND DEVELOPMENT



## APPLICATION AND CHECKLIST FOR SUBMISSION OF HILLSIDE DEVELOPMENT

*Any person seeking to develop a subdivision must comply with the Land Development and Subdivision Ordinance of Buncombe County. Please read the ordinance before completing the items included in the application. All items required in the ordinance should be completed prior to submittal of plans to the County. A copy of the COMPLETED application form must be submitted with your plans.*

### Submission Information

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Date: 2022-05-20

#### PROPERTY INFORMATION

Subdivision Name: Pinners Cove

Phase # and/or Name of Phase (if part of a Master Plan for Phased Development):  
\_\_\_\_\_

Address/Street Location of Property: Pinners Cove Rd., Chapel Hill Church Ln.

PIN Number(s) of Property to be Subdivided:

9655-87-3857, 9655-85-2787

#### CONTACT INFORMATION

Owner Name: KLP Pinners Eat, LLC

Address: 222 Ninth Street, Suite 1600, Minneapolis, MN 55402

Phone: 561-870-2468

Surveyor/Engineer/Landscape Architect Name(s) and Company Name(s):

Civil Design Concepts, PA

Address: 168 Patton Ave., Asheville, NC

Phone: 828-252-5388

Email: jgardner@cdcgo.com

Primary Contact for Submission: Jesse Gardner

Address: 168 Patton Ave., Asheville, NC

Phone: 828-252-5388

Email: jgardner@cdcgo.com

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## Hillside Development Information

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Please enter all information requested. Place a mark in any check box [ ] applicable to your subdivision plans to indicate that the item has been completed and/or applies:

*Hillside area definition. A hillside area is defined as any lot, parcel, or tract of land which meets all of the following standards:*

- (1) Is located within the jurisdiction of Buncombe County, exclusive of municipalities and their jurisdictions.*
- (2) Is defined by section 70-5 as a minor or major subdivision.*
- (3) Has an average slope of its natural terrain of 25 percent or greater, or has an average slope of its natural terrain of less than 25 percent, but 30 percent of the tract is greater than 35 percent slope based on the submitted slope analysis.*

Please indicate the type of submission (check all that apply):

[ ] HILLSIDE DEVELOPMENT MINOR SUBDIVISION (No. of lots) \_\_\_\_\_

[ ] HILLSIDE DEVELOPMENT MASTER PLAN (as part of a subdivision submittal)  
(No. of phases) \_\_\_\_\_

[x] HILLSIDE DEVELOPMENT MAJOR SUBDIVISION (No. of lots) 269

site plan must indicate this on the site plan, who is holding easement.

[x] CONSERVATION EASEMENT HILLSIDE SUBDIVISION  
(Acreage to be placed in conservation easement) 88.10

AVERAGE NATURAL SLOPE FOR SUBMITTED SUBDIVISION PLANS THAT CONTAIN A PERPETUAL CONSERVATION EASEMENT TO BE HELD AND ENFORCED BY AN ESTABLISHED LAND TRUST OR CONSERVANCY ORGANIZATION SHALL BE CALCULATED EXCLUDING THE ACREAGE OF THE CONSERVATION EASEMENT. CONSERVED OPEN SPACE SHALL REMAIN IN AN UNDEVELOPED STATE. THE CONSERVATION EASEMENT, WITH THE PRIOR WRITTEN CONSENT OF BUNCOMBE COUNTY, SHALL BE DESIGNATED AND ESTABLISHED OF RECORD PRIOR TO, OR CONCURRENT WITH, THE RECORDING OF THE FIRST FINAL SUBDIVISION PLAT. THE PROPOSED HOLDER OF THE CONSERVATION EASEMENT SHALL BE STATED ON THE SUBMITTED SUBDIVISION PLANS AND SHALL BE APPROVED BY THE BUNCOMBE COUNTY PLANNING BOARD.

[x] ALTERNATIVE PATH (CLUSTER DEVELOPMENT) HILLSIDE DEVELOPMENT

[ ] ALTERNATIVE PATH (BUILDING AND GRADING ENVELOPE CONSERVATION DEVELOPMENT) HILLSIDE DEVELOPMENT

[ ] Please check if this subdivision is a **DRASTIC VARIATION HILLSIDE DEVELOPMENT SUBDIVISION**, which is defined as a submitted subdivision plan that has an average slope of its natural terrain of less than 25 percent slope, but 30 percent of the tract is greater than 35 percent slope as shown on the submitted slope analysis. The applicant may separate the property into two separate areas (area A and area B) if the proposed subdivision meets the following requirements:

Please clearly define Development Areas A and B on your submitted plans.

Development Area A shall be exempted from the Hillside Development Standards and shall meet the following standards:

1.  90% of the phase shall be in areas less than or equal to 25% slope as shown on submitted slope analysis.
2.  The phase shall have an average slope of its natural terrain of less than 25 percent.

Development Area B shall be the remainder of the tract to be subdivided and shall be subject to Hillside Development Standards.

conservation easement must be rewored so the average natural

What is the average natural slope of the submitted subdivision? 24.42%

Average Natural Slope shall be calculated using the formula below:

$$S\% = \frac{0.0023 \times I \times L}{A}$$

Where:

S = Average natural slope of the parcel(s) in percent

I = Contour interval of map in feet, with said contour intervals to be five feet or less

L = Total length of the contour lines within the parcel (s) in feet

A = Area of the parcel(s) in acres including any areas designated future development

0.0023 = Constant which converts square feet into acres

Please indicate your variables below:

I = 5                                      L = 190,476                                      A = 89.7

Once "S" or the average natural percent of the tract is calculated, round off to the nearest whole number when "S" is 25% or greater.

Please check if you are submitting an alternate method of slope calculation for consideration by the planning board. These methods may include, but are not limited to, the following methods: weighted average, slope mapping, other field-based techniques.

Office Use Only (Staff Review Comments):

## Specifications for Submission of a Hillside Development

Please enter all information requested. Place a mark in any check box [ ] applicable to your subdivision plans to indicate that the item has been completed and/or applies.

1.  ***Slope Analysis Map.*** Each application for a major or minor hillside development shall include a detailed slope analysis conducted using the Buncombe County slope raster data set at a cell resolution of 50 feet (data available from Buncombe County GIS) showing the following information:
  - a.  Average natural slope of the tract in percentage;
  - b.  Areas designated as high hazard or moderate hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey;
  - c.  Areas within the Steep Slope High Elevation Overlay and Ridge Protection Overlay;
  - d.  Surface waters, as shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and surface water buffers including, but not limited to, trout stream buffers and required stormwater setbacks;
  - e.  Location of the floodway and 100-year floodplain boundaries;
  - f.  Wetlands;
  - g.  A map showing the following categories of slope in the assigned colors:
    - Less than 15% slope; light green
    - 15% but less than 25%; dark green
    - 25% but less than 30%; blue
    - 30% but less than 35%; yellow
    - 35% but less than 50%; orange
    - 50% and greater slope; red;
  - h.  The number of acres and the percent of the tract in each slope category as shown above; and
  - i.  The number of acres and percent of the tract that is 35% slope and above.

**Office Use Only (Staff Review Comments):**

2.  ***Information required for subdivision plan review.*** Compliance with this section shall be evaluated as part of the subdivision review process set forth in article II of the Buncombe County Land Development and Subdivision Ordinance. In addition to the application information required for a subdivision review, those proposed developments which meet the standards of the hillside area definition must include the following information:
  - a.  A site plan which includes the boundaries and acreage of the parcel, scale and contour interval, existing and proposed contours;

- b.  Average natural slope calculations for the parcel which include the average natural slope in percent, contour intervals of five feet or less, individual and total length of contour lines in feet and area of the parcel in acres indicated on the submitted plans;
- c.  Areas with a natural slope over 30 percent shall not have fill slopes steeper than a 2 H:1V, nor cut slopes steeper than 1.5H:1V unless designed by a geotechnical engineer.
  - i.  Indicate on the plans which areas meet the above criteria and that those areas will be designed by a geotechnical engineer
  - ii.  or indicate that there are no areas that have a natural slope over 30 percent that have fill slopes steeper than 2H H:1V, nor cut slopes steeper than 1.5H:1V;
- d.  Guardrails, installed to NCDOT specification or to the standard specifications for construction of roads and bridges on federal highway projects, and shoulders of four feet minimum width may be required in construction of roads over 15 percent grade and with downhill slopes of 30 percent or more;
- e.  Soils maps shall be submitted from the natural resource conservation service (NRCS); and
- f.  Other information or descriptions or maps which may be requested by the planning director or the planning board to address concerns regarding geologic hazards, soil stability, building-to-site relationships, and similar characteristics.

**Office Use Only (Staff Review Comments):**

- 3.  *Contour map required.* Each application for a minor or major subdivision which meets the standards set forth in the hillside definition shall include a contour map which includes a scale and contour interval on the site plan to determine the average slope of the entire tract of land and the average slope of each proposed lot in its natural state.
- 4.  *Calculation of natural average slope.* Once "S" or the average natural percent of the tract is calculated, round off to the nearest whole number when "S" is 25% or greater. The density table shown as Figure 1 in the appendix of this document shall be used to determine the maximum number of lots or units allowed. **The maximum number of lots or units allowed shall be stated on the preliminary plans.**

**Office Use Only (Staff Review Comments):**

- 5.  The density table (Figure 1 of the Appendix) shall be used to determine the minimum size allowed for each proposed lot. The minimum land area for proposed lots shall be calculated based on that portion of the lot to be under control of and deeded to the property owner, exclusive of road rights-of-way.

6. [ ] Average natural slope calculation for each individual lot shall be provided in a **Lot Information Table** using the following format:

<b>LOT #</b>	<b>A</b>	<b>I</b>	<b>L</b>	<b>SLOPE</b>	<b>REQUIRED MINIMUM LOT SIZE</b>	<b>LOT SIZE PROVIDED</b>
1						
2						
3						
4						

A = Area of lot in acres

I = Contour interval of map in feet

L = Total length of the contour lines within the lot in feet

**Please Note: Slope should be rounded to the nearest whole number**

**Office Use Only (Staff Review Comments):**

7. [ x ] Any proposed development or lot which meets the definition of hillside area and whose average natural slope is above 50 percent is subject to the most restrictive density and lot size requirements as set forth in the Density Table (Figure 1). Any proposed individual lot whose average natural slope is below 25 percent within a development which meets the definition of hillside area will not be subject to a minimum lot size as set forth in the Density Table (Figure 1).
8. [ x ] Indicate on the submitted plans that global stability analysis shall be performed for homesites on a 35 percent or greater slope or in an area designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey.

**Office Use Only (Staff Review Comments):**

9. [ ] *Limitations on disturbed area and impervious surfaces for communal infrastructure installation shall be:*

**Maximum gross area disturbed = 15 percent**  
**Maximum gross area impervious = 10 percent**

These limits shall apply to infrastructure installation that is common to the development, including but not limited to roadways, shared drives, sidewalks, public utilities and stormwater controls.

- a. [ ] The preliminary plan shall show the maximum amount of disturbed and impervious acreage and percent of total for infrastructure installation. Acreage shall be carried out to two decimal places and shall not be rounded.
- b. [ ] The preliminary plan shall also show the boundaries of the disturbed and impervious areas for the proposed infrastructure installation.
- c. [ ] Indicate in acres the proposed amount of disturbance and impervious surface for communal infrastructure

**Office Use Only (Staff Review Comments):**

10. [ ] *Limitations on disturbed area and impervious surfaces for individual lot development, excluding rights-of-way, shall be:*

**25 – 35 percent slopes**

**Maximum gross area disturbed = 30 percent**

**Maximum gross area impervious = 15 percent**

**> 35 percent slopes**

**Maximum gross area disturbed = 15 percent**

**Maximum gross area impervious = 8 percent**

- a. [ ] These limits shall apply to individual lot improvements, including but not limited to individual driveways, and well and septic systems.
- b. [ ] Recreational facilities, including, but not limited to, golf courses, club houses, pools and tennis courts shall be located on an individual lot and shall be considered individual lot improvements.
- c. [ ] The limitations on disturbed and impervious area applied to the tract during infrastructure installation shall not be included in the disturbed and impervious area calculations when the individual lots are developed.
- d. [ ] Maximum disturbed and impervious calculations for each individual lot shall be added to the **Lot Information Table** using the following format:

<i>LOT #</i>	<i>A</i>	<i>I</i>	<i>L</i>	<i>SLOPE</i>	<i>REQUIRED MINIMUM LOT SIZE</i>	<i>LOT SIZE PROVIDED</i>	<i>MAXIMUM ALLOWED DISTURBED AREA IN ACRES</i>	<i>MAXIMUM ALLOWED IMPERVIOUS AREA IN ACRES</i>
1								
2								
3								
4								

**Office Use Only (Staff Review Comments):**

density limitations for the overall tract must be calculated on the plan.

- e.  A reduction in minimum lot size and increase in density and percentage of disturbance for lots that are 30% average natural slope and below may be earned when the gross area disturbed for communal infrastructure installation is 13% of the tract or less, as shown in **Figure 2 of the Appendix** of this document.
- f.  Please indicate on the submitted plans if you plan to utilize this density bonus.
- g.  Indicate on the *Lot Information Table* those lots you are utilizing the density bonus on the submitted plans.

**Office Use Only (Staff Review Comments):**

- 11.  *Issuance of land disturbing permit.* No land disturbing permit shall be issued for a site plan review or a subdivision review which meets the standards set forth in the definition of hillside area until the site plan review and subdivision plat review have been completed and approved.

**Office Use Only (Staff Review Comments):**



## **Alternative Path Hillside Development**

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*The alternative path development shall provide design flexibility that will allow for preservation of environmentally sensitive features. The alternative path is encouraged in order to limit disturbed areas and preserve ridge tops, woodlands, open spaces, floodplain, moderate and high risk landslide hazard areas and other environmentally sensitive areas. The following shall apply to all development seeking to be approved through the Alternative Path:*

1.  Minimum road frontage and lot sizes are not applicable to alternative path development. The total number of lots shall not exceed that allowed in subsection 70-68(d)(2) of the Buncombe County Land Development and Subdivision Ordinance however a cumulative density bonus will be available for additional measures taken.
2.  Development of any kind shall not occur in areas of 50% slope or greater per the slope analysis submitted as part of the application; home sites shall not be located in areas greater than or equal to 35% slope per the submitted slope analysis.

**Office Use Only (Staff Review Comments):**

**Cluster Development.** Cluster development is encouraged in order to preserve ridge tops, woodlands and open spaces and to provide an alternative for those seeking to construct more cost-effective homes on tracts by providing no lot size requirements and density bonuses by clustering development on the lower elevations and less steep portions of the property. Clustering of lots on lower elevations, less steep slopes and less environmentally sensitive areas is allowed under the following conditions:

1.  30% of the overall tract shall be conserved. Indicate on the submitted plans conserved area and acreage and percentage the area to be conserved.

**Office Use Only (Staff Review Comments):**

2.  Areas to be conserved will be designated as **Primary** and **Secondary** conservation areas.
3.  Areas to be conserved **must be located** within identified **primary conservation areas**; if the percentage to be conserved exceeds the amount of primary conservation areas on the tract, areas deemed as secondary conservation areas will be allowed to count toward the required percentage:

- a The following areas shall be included in **primary conservation areas**:
  - i  Moderate and high risk landslide hazard areas as shown on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey;
  - ii  surface waters and surface water buffers including, but not limited to, trout stream buffers and required stormwater setbacks;
  - iii  100 year floodplain and floodway;
  - iv  wetlands; and
  - v  areas shown as orange and red (having an average natural slope greater than or equal to 35%) on the submitted slope analysis.

**Office Use Only (Staff Review Comments):**

- b **Secondary conservation** areas shall consist of:
  - i  land in a currently undeveloped or natural state not meeting the definition of primary conservation areas above;
  - ii  existing farmland; and
  - iii  other areas subject to review and approval of the Buncombe County Planning Board.

**Office Use Only (Staff Review Comments):**

- 4.  Indicate on the submitted plans primary and secondary conserved area and acreage and percentage of primary and secondary conserved area.
- 5.  The final plat of the subdivision shall indicate which areas are conserved open space.

**Office Use Only (Staff Review Comments):**

- 6.  Conserved open space shall remain in an undeveloped state except for the provision of non-motorized passive recreation such as running, walking, biking trails, gardening, primitive camping areas, and similar low impact outdoor activities. The development of golf courses, club houses, pools, tennis courts, etc. shall not be included in the definition of passive recreation.
  - a  The location, type, and materials which will be used to construct passive recreation facilities shall be submitted on the preliminary plans and shall be approved by the Planning Board.

- b  The development of passive recreation areas within the conservation/open space areas shall not exceed 5% of the total acreage of the tract.

**Office Use Only (Staff Review Comments):**

passive recreation must be shown on the plan in the conservation area.

7.  The conserved area, with the prior written consent of Buncombe County, shall be designated and established of record prior to, or concurrent with, the recording of the first final subdivision plat. ***Method of conservation of open space shall be stated on the submitted subdivision plans and shall be approved by the Buncombe County Planning Board.*** Conservation space shall be dedicated to, owned, and maintained in perpetuity by any of the following (check which one the development will utilize):

- A homeowners' association in which membership is mandatory for all homeowners within the development;
- A perpetual conservation easement on the open space held and enforced by an established land trust or conservation organization;
- With its prior express written consent, a governmental body (e.g. Buncombe County Parks and Recreation, State of North Carolina, United States Government);
- Any other structure or entity designed to afford such perpetual maintenance for the conserved area as same may be approved in advance by Buncombe County

- a  Disturbed and impervious area shall be calculated for the entire tract and shall include any and all disturbance and impervious surface. This shall include, but is not limited to home sites, infrastructure installment for individual lots, communal buildings such as clubhouses, and communal infrastructure such as roads and stormwater measures. Limitations on disturbed area and impervious surfaces for the total tract shall be:
- must indicate on the plans the agency that will hold the conservation easement. this must be established prior to the recording of the plat.**

**Maximum gross site area disturbed = 30%**  
**Maximum gross site area impervious = 15%**

- b  The development plan and the final plat shall state, in both percentage and number of acres, the maximum allowed disturbed and impervious area for the entire tract. The preliminary plan and final plat shall provide the maximum amount of disturbed and impervious acreage which will include infrastructure installation and lot development. The preliminary plan and the final plat shall delineate areas that may be disturbed and show areas to be dedicated to Conservation space.

**Office Use Only (Staff Review Comments):**

limits of disturbance must clearly be on plans. Must include all of the yards. must be clearly labeled that disturbance is not allowed in other areas.

***Building and Grading Envelope Conservation Development.*** Building and Grading Envelope Conservation Subdivisions are encouraged in order to limit disturbed areas; preserve ridge tops, woodlands, open spaces, floodplain, and other environmentally sensitive areas; and to provide flexibility in design of a subdivision. By allowing flexibility of design, design professionals have the ability to develop a subdivision while conserving environmentally sensitive areas such as steep slopes, floodplains, wetlands, and ridgelines. Building and Grading Envelope Conservation Development shall be allowed under the following conditions:

1.  The submitted site plan shall clearly define the disturbance limitations for infrastructure installation. Communal infrastructure installation disturbance shall not constitute more than 15% of the overall tract. Communal infrastructure impervious surface shall not constitute more than 10% of the overall tract. The preliminary plan and the final plat shall state, in both percentage and number of acres, the disturbed and impervious area for the entire tract for infrastructure installment.

**Office Use Only (Staff Review Comments):**

2.  Structures shall only be constructed within Building and Grading envelopes. Building and grading envelopes shall meet the following standards:
  - a Building and grading envelopes shall not be located in any of the following areas:
    - i  35% slope or greater as identified on the submitted slope analysis;
    - ii  moderate and high risk landslide hazard areas as shown on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey;
    - iii  surface waters and surface water buffers;
    - iv  100 year floodplain and floodway boundaries; and
    - v  Wetlands.

**Office Use Only (Staff Review Comments):**

- b  Building and grading envelopes shall be spaced at least 150 feet apart. Spacing between building envelopes shall consist of preserved vegetation.
- c  Building and grading envelopes shall be a maximum of and no greater than 0.6 acres and shall be inclusive of the structure, parking, well, and driveway. The location of individual septic systems shall be determined by the Buncombe County Health Department. The size of the building and grading envelope shall dictate the size of the lot to be subdivided, where the lot size shall equal at least 300% of the size of the building and grading envelope.
- d  No land disturbing activity for construction of structures or individual lot infrastructure, excluding individual septic systems, shall occur outside the building and grading envelope.

- e  Envelopes must be delineated on the preliminary plans; clearly delineated on site during construction by fencing; and recorded on the final plat. Amount and location of disturbance shall be certified prior to final certificate of occupancy by a surveyor, landscape architect, or other licensed professional.

**Office Use Only (Staff Review Comments):**

- 3.  Acreage not included in lots, envelopes, or for the installation of communal infrastructure shall be conserved space. 15% of the overall tract shall be conserved. Areas to be conserved will be designated as Primary and Secondary conservation areas.
  - a The following areas shall be included in **primary conservation** areas:
    - i  Moderate and high risk landslide hazard areas as shown on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey;
    - ii  surface waters and surface water buffers including, but not limited to, trout stream buffers and required stormwater setbacks;
    - iii  100 year floodplain and floodway;
    - iv  wetlands; and
    - v  areas shown as orange and red (having an average natural slope greater than or equal to 35%) on the submitted slope analysis.

**Office Use Only (Staff Review Comments):**

- b **Secondary conservation** areas shall consist of land in a currently undeveloped or natural state not meeting the definition of primary conservation areas above including:
  - i  existing farmland; and
  - ii  other areas subject to review and approval of the Buncombe County Planning Board.
- c  Areas to be conserved must be located within identified primary conservation areas; if the percentage to be conserved exceeds the amount of primary conservation areas on the tract, areas deemed as secondary conservation areas will be allowed to count toward the required percentage. The final plat of the subdivision shall indicate which areas are conserved open space.

**Office Use Only (Staff Review Comments):**

4.  Conserved open space shall remain in an undeveloped state except for the provision of non-motorized passive recreation such as running, walking, biking trails, gardening, primitive camping areas, and similar low impact outdoor activities. The development of golf courses, club houses, pools, tennis courts, etc. shall not be included in the definition of passive recreation.
- a  The location, type, and materials which will be used to construct passive recreation facilities shall be submitted on the preliminary plans and shall be approved by the Planning Board.
- b  The development of passive recreation areas within the conservation/open space areas shall not exceed 5% of the total acreage of the tract.

**Office Use Only (Staff Review Comments):**

5.  The conserved area, with the prior written consent of Buncombe County, shall be designated and established of record prior to, or concurrent with, the recording of the first final subdivision plat. Method of conservation of open space shall be stated on the submitted subdivision plans and shall be approved by the Buncombe County Planning Board. Conservation space shall be dedicated to, owned, and maintained in perpetuity by any of the following (check which one the development will utilize):
- A homeowners' association in which membership is mandatory for all homeowners within the development;
  - A perpetual conservation easement on the open space held and enforced by an established land trust or conservation organization;
  - With its express written consent, a governmental body (e.g. Buncombe County Parks and Recreation, State of North Carolina, United States Government); or
  - Any other structure or entity designed to afford such perpetual maintenance for the conserved area as same may be approved in advance by Buncombe County.

**Office Use Only (Staff Review Comments):**

**Density Bonuses.** Density bonuses for developments choosing to follow the alternative path within the hillside development standards may be awarded based on certain development criteria set forth below. Bonuses shall be based on the point system shown in Figure 3 in the appendix of this document. Bonus points will be cumulative and may be applied for density bonuses based on the alternative path the applicant has chosen. Density bonuses based on points earned are shown in Figure 4 in the appendix of this document. *Applicant must clearly identify on submitted preliminary plans how many points were earned and clearly identify how points were used.*

**Office Use Only (Staff Review Comments):**

## Conservation Easement Hillside Development Subdivision

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[ X] *Conservation Easement Hillside Development Subdivision.* Average natural slope for submitted subdivision plans that contain a perpetual conservation easement to be held and enforced by an established land trust or conservancy organization shall be calculated excluding the acreage of the conservation easement. Conserved open space shall remain in an undeveloped state. The conservation easement, with the prior written consent of Buncombe County, shall be designated and established of record prior to, or concurrent with, the recording of the first final subdivision plat. The proposed holder of the conservation easement shall be stated on the submitted subdivision plans and shall be approved by the Buncombe County Planning Board.

**Office Use Only (Staff Review Comments):**

calculations for density bonuses must be shown on the submitted site plan.

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## **ADDITIONAL REQUIREMENTS FOR HILLSIDE DEVELOPMENT SUBDIVISIONS**

### ***Site plan required for individual lot development***

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Owners or developers of individual lots that are subject to the requirements of section 70-68, effective July 1, 2006, shall be required to submit a site plan to the planning department, drawn to scale, with the following information:

1. Topographic data including existing and planned contours for the area of construction or land disturbance, (cuts and fills for structures, driveways, etc.) shown in five-foot contour intervals. This shall be drawn by the homeowner, or his designated representative, using reliable sources such as Buncombe County topographic maps or appropriate software;
  2. All proposed impervious surfaces (including but not limited to building footprints, driveway, parking area, patio, etc.), retaining walls, septic tank and drainfield locations; and
  3. Written and graphic area and percentage of parcel to be disturbed and area and percentage of parcel to have impervious surface.
  4. The site plan shall be approved prior to the issuance of any development or building permits.
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### ***Land disturbing activity***

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Land-disturbing activity is limited to specific areas within a parcel or lot not to exceed amounts shown in section 70-68 (e)(1)(h) of the Buncombe County Land Development and Subdivision Ordinance. This area does not include setbacks, buffers, easements, etc. There must be an adequate amount of buildable land for proposed structure(s) and all land disturbing activities (including but not limited to roadways, driveways, septic/sewage areas, structures, etc.).

1. Grading shall not take place prior to site plan approval by the planning department and issuance of any permit required by the Buncombe County Soil Erosion and Sedimentation Control Ordinance.
2. Only areas that have been approved for disturbance may be disturbed, and then only after all erosion measures and other regulations have been met.
  - Grading areas shall be clearly marked before any grading begins.
  - Highly visible fencing is required to prohibit earthmoving equipment from moving beyond designated grading boundaries.
3. No development or land disturbance activity may occur in the following areas of a parcel or lot. These areas may be included in the area used to calculate compliance with the minimum standards shown in subsection 70-68(e)(1)(h) of the Buncombe County Land Development and Subdivision Ordinance:
  - Rock cliffs,



- Wetlands, buffer areas along surface waters or mapped floodways,
- Significant historical and archeological resource areas defined by the National Register of Historic Places or other federal or state agencies.

*The provisions of this section shall not apply to the crossing of streams and creeks for utility corridors and roadways if construction is approved by all applicable agencies.*

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### ***State of property during development***

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*Any new development will create areas that will temporarily be deforested and/or unsightly. Every effort to reduce the length of time the development remains in this state should be taken.*

A minimum of the property, as specified in subsection 70-68(e)(1)(h) of the Land Development and Subdivision Ordinance is required to remain in a natural state. A natural state is defined as the condition prior to development or other human activity. The only activities that may take place outside the areas of disturbance documented on an approved site plan are:

- Fire fuel reduction (fire fuel reduction may include the installation of firebreaks in the area immediately adjacent to structures and the removal of underbrush)
- Control of invasive species (as defined in Figure 5. Other species may be approved by the Planning Department when demonstrated to be non-native invasive species.)
- Removal of dead or diseased specimens
- Maintenance of the area to ensure adequate screening and buffering (i.e. selective thinning of saplings)
- Maintenance of the area to ensure public health and safety and
- Non-motorized passive recreation (such as running, walking, biking trails, gardening, primitive camping areas, and similar low impact outdoor activities). The location, type, and materials which will be used to construct passive recreation facilities shall be submitted on the preliminary plans and shall be approved by the Planning Board. The development of passive recreation areas within the natural state area shall not exceed 5% of the total acreage of the tract.

When removing vegetation for the purposes of exceptions (1) through (5) above, vegetation can only be removed through the use of hand-held devices (i.e. chainsaws, pole pruners, hedge trimmers, weed eaters, etc.). ***Bulk application of chemical herbicides is prohibited. The removal of vegetation shall be conducted in such a manner as to preserve ground cover (through a vegetated cover or through the use of a substrate that will prevent sediment run-off from the site). Removal of healthy tree specimens greater than 3" diameter at breast height (DBH) is prohibited except when installing passive recreation facilities.***

Clear cutting will be allowed only for the footprint of the house, driveways, septic systems, and normal landscaping including yards, gardens and flowerbeds. Clear cutting for view will not be allowed. However, selective cutting that eliminates the tunnel effect caused by clear cutting will be allowed. Reducing clear cuttings reduces the potential for erosion, stormwater runoff and landscaping and grading costs. Keeping mature greenery is recommended wherever possible to provide immediate aesthetic, environmental and potential monetary value.

Re-vegetation is required on all disturbed areas that remain after construction, including areas around permanent structures, resurfaced areas such as driveways and areas of cuts and fills, pursuant to land

disturbance regulations. Where trees have been removed due to insect damage or disease, and this tree removal increases the land disturbance percentage in amounts that exceed amounts specified in subsection 70-68(e)(1)(h) of the Buncombe County Land Development and Subdivision Ordinance, replanting is required according to the re-vegetation plan shown in subsection 70-68(e)(5) of the Buncombe County Land Development and Subdivision Ordinance.

All surface water buffers are to be maintained in a natural state pursuant to Buncombe County Soil Erosion and Sedimentation Control Ordinance and North Carolina Department of Environment and Natural Resources.

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## APPENDIX

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FIGURE 1 DENSITY TABLE

<b>SLOPE %</b>	<b>MAXIMUM DENSITY UNITS PER ACRE</b>	<b>MINIMUM LOT IN ACRES</b>
25	1.250	0.80
26	1.064	0.94
27	0.926	1.08
28	0.820	1.22
29	0.735	1.36
30	0.667	1.5
31	0.625	1.6
32	0.588	1.7
33	0.556	1.8
34	0.526	1.9
35	0.500	2.0
36	0.446	2.24
37	0.398	2.51
38	0.356	2.81
39	0.318	3.15
40	0.284	3.52
41	0.253	3.95
42	0.226	4.42
43	0.202	4.95
44	0.180	5.55
45	0.161	6.21
46	0.144	6.96
47	0.128	7.79
48	0.115	8.73
49	0.102	9.77
50 and above	0.100	10.0

**FIGURE BONUSES IN LIMITATIONS ON COMMUNAL INFRASTRUCTURE**

SLOPE	13 % DISTURBANCE FOR INFRASTRUCTURE (.9 MULTIPLIER REDUCTION IN MINIMUM LOT SIZE)			12 % DISTURBANCE FOR INFRASTRUCTURE (.85 MULTIPLIER REDUCTION IN MINIMUM LOT SIZE)			11 % DISTURBANCE FOR INFRASTRUCTURE (.8 MULTIPLIER REDUCTION IN MINIMUM LOT SIZE)			10 % DISTURBANCE FOR INFRASTRUCTURE (.75 MULTIPLIER REDUCTION IN MINIMUM LOT SIZE)		
	MINIMUM LOT SIZE	ALLOWED DISTURBANCE	% OF LOT	MINIMUM LOT SIZE	ALLOWED DISTURBANCE	% OF LOT	MINIMUM LOT SIZE	ALLOWED DISTURBANCE	% OF LOT	MINIMUM LOT SIZE	ALLOWED DISTURBANCE	% OF LOT
25	0.72	0.24	33.33 %	0.68	0.24	35.29 %	0.64	0.24	37.50 %	0.6	0.24	40.00 %
26	0.846	0.282	33.33 %	0.799	0.282	35.29 %	0.752	0.282	37.50 %	0.705	0.282	40.00 %
27	0.972	0.324	33.33 %	0.918	0.324	35.29 %	0.864	0.324	37.50 %	0.81	0.324	40.00 %
28	1.098	0.366	33.33 %	1.037	0.366	35.29 %	0.976	0.366	37.50 %	0.915	0.366	40.00 %
29	1.224	0.408	33.33 %	1.156	0.408	35.29 %	1.088	0.408	37.50 %	1.02	0.408	40.00 %
30	1.35	0.45	33.33 %	1.275	0.45	35.29 %	1.2	0.45	37.50 %	1.125	0.45	40.00 %
	MAXIMUM DENSITY WILL BE 110% OF THAT ALLOWED IN 70-68(d)(2) DENSITY TABLE			MAXIMUM DENSITY WILL BE 112% OF THAT ALLOWED IN 70-68(d)(2) DENSITY TABLE			MAXIMUM DENSITY WILL BE 114% OF THAT ALLOWED IN 70-68(d)(2) DENSITY TABLE			MAXIMUM DENSITY WILL BE 116% OF THAT ALLOWED IN 70-68(d)(2) DENSITY TABLE		

**FIGURE 3 POINTS CHART**

<b>Action</b>	<b>Point Value</b>
<b>Percentage of entire tract disturbed (including infrastructure and lot development) is 20.00% or less, but greater than 18.00%</b>	<b>10</b>
<b>Percentage of entire tract disturbed (including infrastructure and lot development) is 18.00% or less, but greater than 16.00%</b>	<b>15</b>
<b>Percentage of entire tract disturbed (including infrastructure and lot development) is 16.00% or less, but greater than 14.00%</b>	<b>20</b>
<b>Percentage of entire tract disturbed (including infrastructure and lot development) is 14.00% or less</b>	<b>25</b>
<b>amount of conserved green space is greater than 30% of the tract but less than or equal to 40% of the tract</b>	<b>10</b>
<b>amount of conserved green space is greater than 40% of the tract but less than or equal to 50% of the tract</b>	<b>15</b>
<b>amount of conserved green space is greater than 50% of the tract but less than or equal to 60% of the tract</b>	<b>20</b>
<b>amount of conserved green space is greater than 60% or the tract</b>	<b>25</b>
<b>Development of any kind occurs only on slopes less than 35% as shown on submitted slope analysis and occurs on property consisting of the lowest 35% of the elevation of the tract</b>	<b>25</b>
<b>Development of any kind occurs in areas less than or equal to 25% slope as shown on submitted slope analysis and occurs on property consisting of the lowest 25% of the elevation of the tract</b>	<b>50</b>

**FIGURE 4 DENSITY BONUSES BASED ON POINTS**

Points earned	If development is an Alternative Path <i>Cluster Development</i> or <i>Building &amp; Grading Envelope Conservation Development</i> the allowed number of lots shall be the % listed below of the calculated density per subsection 70-68 (d) (2) based on the number of points earned	If development is an Alternative Path <i>Building &amp; Grading Envelope Conservation Development</i> the following parameters shall be followed in regard to maximum size of building envelope, required size of individual lots, and spacing between lots based on the number of points earned		
		Envelopes shall be a maximum of but no greater than the acreage listed below	The lot size shall equal to at least the % listed below of the size of the building and grading envelope	Building envelopes shall be spaced at least the number of feet apart listed below
20	115%	0.65	280%	150
25	120%	0.66	260%	140
30	125%	0.67	240%	130
35	130%	0.68	220%	120
45	135%	0.69	200%	110
50	140%	0.7	180%	100
55	145%	0.71	160%	90
60	150%	0.72	140%	80
65	155%	0.73	120%	70
70-80	160%	0.75	100%	60
100	no density requirement	no building envelope size requirements	no size requirements for lots	no spacing requirements

**FIGURE 5 INVASIVE SPECIES**

Scientific name	Common name
<i>Ailanthus altissima</i> (Mill.) Swingle	<b>Tree of Heaven</b>
<i>Albizia julibrissin</i> Durz.	<b><u>Mimosa</u></b>
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	<b>Garlic-mustard</b>
<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	<b>Alligatorweed</b>
<i>Celastrus orbiculatus</i> Thunb.	<b><u>Asian bittersweet</u></b>
<i>Elaeagnus angustifolia</i> L.	<b>Russian olive</b>
<i>Elaeagnus umbellata</i> Thunb.	<b>Autumn olive</b>
<i>Hedera helix</i> L.	<b><u>English ivy</u></b>
<i>Hydrilla verticillata</i> (L.f.) Royle	<b>Hydrilla</b>
<i>Lespedeza bicolor</i>	<b>Bicolor lespedeza</b>
<i>Lespedeza cuneata</i> (Dum.-Cours.) G. Don	<b>Sericea lespedeza</b>
<i>Ligustrum sinense</i> Lour.	<b>Chinese privet</b>
<i>Lonicera fragrantissima</i> Lindl. & Paxton	<b>Fragrant honeysuckle</b>
<i>Lonicera japonica</i> Thunb.	<b>Japanese honeysuckle</b>
<i>Microstegium vimineum</i> (Trin.) A. Camus	<b>Japanese stilt-grass</b>

<i>Murdannia keisak</i> (Hassk.) Hand.-Mazz.	Asian spiderwort
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather
<i>Paulownia tomentosa</i> (Thunb.) Sieb.&Zucc. ex Steud.	Princess tree
<i>Phragmites australis</i> (Cav.) Trin. ssp. australis	Common reed
<i>Polygonum cuspidatum</i> Seib. & Zucc.	Japanese knotweed
<i>Pueraria montana</i> (Lour.) Merr.	Kudzu
<i>Rosa multiflora</i> Thunb.	<u>Multiflora rose</u>
<i>Salvinia molesta</i> Mitchell	Aquarium water-moss
<i>Vitex rotundifolia</i> L.f.	Beach vitex
<i>Wisteria sinensis</i> (Sims) DC	Chinese wisteria