

**Appendix C – Updates to Former Zone 8 (Conservation Partnership)
Parcels and Associated Criteria**

Appendix C

Updates to Former Zone 8 (Conservation Partnership) Parcels and Associated Criteria

Zone 8 Background

During the initial lands planning process on Tims Ford Reservoir in 2000, a new land use Zone 8 (Conservation Partnership) was created in response to public comments seeking both additional residential access to the reservoir and increased community involvement in watershed protection. Many public comments reflected that TERDA had indicated to private individuals that their property would be eligible for a private water-use facility and the 2000 draft land management plan had allocated their land for Zone 4 (Natural Resource Conservation) which would not be eligible to apply for a private water-use facility. Rather than disregarding these comments due to lack of landrights and residential permitting history, TVA created Zone 8 parcels as a compromise to recognize the history with TERDA and work with those communities to ensure that the developments would not have a detrimental impact to the reservoir.

Zone 8 parcels were identified as narrow strips of public shoreland (and other specific criteria) where a wider shoreline buffer zone (100' from the 895' contour) could be established to benefit the environment and where TERDA would have typically considered a license agreement for a water-use facility. To ensure long-term maintenance and enhancement of the 100-ft buffer zone, a conservation partnership easement over the privately owned land would be required. This private conservation easement would be provided to TVA in exchange for TVA's consideration of requests for community water-use facilities on the adjacent public land. The TVA Board-approved 2000 RLMP outlines certain criteria and conditions for approving community facilities on Zone 8 parcels. Originally 51 parcels were approved. One parcel was reallocated after it was discovered that it met the criteria for Zone 7 allocation.

Proposed updates to former Zone 8 parcels

After review of the current criteria, existing permits and applications, public comments, and all historical information, TVA is proposing the following updates to Zone 8 parcels under Alternative B as the preferred alternative. Other alternatives being considered as part of this review are included in the next section. All proposed updates at this point are in draft form and may be altered before final approval.

- 1) TVA would no longer use the Zone 8 (Conservation Partnership) allocation. This is an allocation unique to Tims Ford and does not align with the CVLP. TVA is proposing to

allocate the existing Zone 8 parcels as either Zone 4 or Zone 7 (with restrictions) depending on the unique circumstances of each parcel.

- a) Zone 8 parcels are proposed for reallocation to Zone 4 if in TVA's sole discretion: 1) the parcel cannot support one or more community or shared facility, 2) access/eligibility is limited by the presence of road or other encumbrance, or 3) all eligible properties have already been accommodated with a permit in some manner (this includes through grandfathered facilities).
 - b) Other parcels are proposed for reallocation to Zone 7 but will also have an orange line along the boundary between TVA and private property representing that additional restrictions will be in place. Specific information about those restrictions continues below.
- 2) Conservation easements would no longer be required. Any new Section 26a permits will be subject to Section 26a regulations on vegetation management.
- a) Any existing conservation easement holder will be allowed to apply to abandon the existing conservation easement, but there is no requirement to do so. To begin the abandonment process, a land disposal application and a \$5000 application fee is required. As part of this process, TVA will need to know if there are any plans to change the subdivision plat or the community facilities. However, if conservation easements are left in place, existing facilities can remain as long as they match the existing permit, continue to follow the conservation easement, and are in good condition.
 - b) If conservation easement holders choose to abandon the conservation easement, facilities will have to comply with the updated guidance. Facilities may have to be altered (such as to a smaller footprint) to comply with the new guidance. The conservation easement holder should come to TVA early in the decision-making process to determine how a potential abandonment may affect their existing facility.
- 3) Community facilities will be required.
- a) TVA would allow one single slip in a community facility per 100 feet of shoreline (double slips would count as two slips) but would not approve more slips than there are lots or tax parcels adjoining the TVA parcel boundary (not including the community lot). If the community lot is limited by shoreline length, cove width or any other factors that TVA, in its sole discretion, would determine necessary to limit the number of slips or type of facility, other types of facilities such as a T-pier or launching ramp could be requested but would be limited to a maximum of 2,000 square feet.
 - b) Multiple community facilities could be considered if there are multiple community access

lots. All slips approved on a parcel would be counted to arrive at a total count of slips for section (a). A community could not request both slips and another type of facility such as a T-pier but could request slips on one community lot and a launching ramp on another community lot. The size of the community lot would need to be suitable for the type of facility requested (e.g. if requesting a ramp, enough space to turn a truck and trailer around to back in).

- c) Requests would have to be submitted by and managed by a state-chartered homeowners' association if more than four lots or tax parcels have an interest in a parcel. Shared docks with shared agreements could be considered in limited circumstances where four or less lots or tax parcels are involved. A community access lot would not be required for a shared dock.
 - d) Requests for riprap or one launching ramp per land planning parcel would be considered if submitted by a HOA or shared dock owners.
 - e) Individual steps, access corridors or other private facilities will not be considered. However, if there is a site-specific reason requiring additional access, TVA can consider at its sole discretion.
 - f) Not all adjacent property owners need to participate for an application to be submitted. However, the HOA would need to accommodate them if they should choose to participate at a later date. Section 26a applications should reflect the number of property owners participating at the time of submission.
 - g) If an individual owns the entirety of the property behind a parcel, a 1,000 square foot facility can be permitted (only one single slip permissible). If the property is later subdivided, the facility must then become a shared or community facility depending on how many times it is subdivided, and a new application must be submitted to TVA. If an individual owns one tax parcel behind two TVA parcels, only one 1,000 square foot facility will be permitted.
- 4) Existing grandfathered facilities (with a permit matching the existing facility and in the current homeowner's name) will be allowed to remain on the parcel and will not be required to participate in a community facility. However, if they desire to remove the facility in the future and participate in the community facility, the HOA must allow for that situation. This situation only applies to a limited number of parcels.

This option was identified as the preferred alternative due to its flexibility in implementation which allows TVA to accommodate the intent behind Zone 8 parcels while aligning requirements with current regulations.

Other alternatives

Alternative C

- 1) TVA would continue to use the Zone 8 (Conservation Partnership) allocation. However, not all parcels previously allocated as Zone 8 would continue to be allocated as Zone 8.
 - a) Parcels where TVA would not be able to grant a conservation easement due to onsite issues such as structures or roads or parcel-specific site constraints, in TVA's sole discretion, would be reallocated to Zone 4 (Natural Resource Conservation). Parcels could also be reallocated to Zone 4 because private property owners do not adjoin TVA property due to roads or roads would block access to the water. Parcels where backlying property owners have been accommodated through other means may also be reallocated to Zone 4.
 - b) Parcels where conservation easements and community facilities are still feasible will continue with the Zone 8 allocation.
- 2) Conservation easements would still be required. However, TVA would allow for 100-foot average conservation easement depth (from 895-foot contour) to allow for some flexibility in how the conservation easement is surveyed. No additional facilities would be allowed on TVA or the conservation easement other than the water-use facility and access corridor. However, in specific circumstances, TVA can consider a variance to this condition.
- 3) Community facilities would still be required. The size and number of community facilities would remain the same (one or two facilities per parcel at 2,000 square feet per facility). One single slip will be allowed per tax parcel. All backlying property owners would still need to participate (except grandfathered facilities). Community lots will be required to be owned and maintained by a state-chartered HOA
- 4) If an individual owns behind the entirety of a parcel, then a conservation easement would still be required, but a 1,000 square foot facility would be permissible (one slip). If the property was later subdivided, the facility would then need to be managed by a HOA and become a community facility and a new Section 26a application submitted to TVA.
- 5) Existing grandfathered facilities would be allowed to remain (if the existing facility matches the current permit and is in the current homeowner's name) and would not be counted in the 2,000 square feet for community facilities.

Alternative D

- 1) TVA would no longer use the Zone 8 (Conservation Partnership) allocation. This is an allocation unique to Tims Ford and does not align with the CVLP. In order to better align

with the CVLP, TVA is proposing to allocate the existing Zone 8 parcels as either Zone 4 or Zone 7 (with restrictions) depending on the unique circumstances of each parcel.

- a) Zone 8 parcels are proposed for reallocation to Zone 4 if the parcel cannot support multiple individual facilities and/or community facilities in TVA's discretion, if access/eligibility is limited by the presence of road or other encumbrance, or if all eligible properties have already been accommodated with a permit in some manner (this includes through grandfathered facilities).
 - b) Other parcels are proposed for reallocation to Zone 7 but will also have an orange line along the boundary between TVA and private property representing that additional restrictions will be required.
- 2) Conservation easements would no longer be required. Any new Section 26a permits will be subject to Section 26a regulations on vegetation management.
- a) Any existing conservation easement holder will be allowed to apply to abandon the existing conservation easement, but there is no requirement to do so. To begin the abandonment process, a land disposal application and a \$5000 application fee is required. As part of this process, TVA will need to know if there are any plans to change the subdivision plat or the community facilities. TVA will need to ensure that existing or proposed facilities will fit under the new guidance.
- 3) Community facilities would no longer be required. Facility size would be divided dependent on the amount of parcel shoreline owned with the maximum size as outlined in the 2000 RLMP (either 2000 or 4000 square feet depending on the parcel).
- a) For example, a parcel has 800 feet of shoreline, Owner Y has 80 feet of shoreline or 10%. Owner Y can have 10% of the facility size (2000 square feet for this parcel). Owner Y can have a 200 square foot facility. TVA would be the sole arbiter in determining the length of shoreline allocated to each property owner. Property owners could submit documentation such as surveys to help inform TVA's decision-making process, but the shoreline footage will not be determined at the property boundary, but at the shoreline (888-foot normal summer contour) and will therefore not match the property boundary.
 - b) No individual facility can exceed 1,000 square feet (Section 26a regulations), no matter how much shoreline footage is owned. One facility per tax parcel.
 - c) Community facilities could be considered in accordance with TVA Section 26a regulations.
- 4) Existing grandfathered facilities (with a permit matching the existing facility and in the current

homeowner's name) will be allowed to remain on the parcel. Any existing facilities without such documentation are highly encouraged to contact TVA as soon as possible to see if the facility is permissible.

Table C-1. Comparison of Zone 8 Options					
Original Parcel Number	New Parcel Number	Alternative A (No Action Alternative)	Alternative B (Preferred Alternative)	Alternative C	Alternative D
6-1	7	8	7 with Restrictions	8	7 with Restrictions
8-1	13	8	4	4	4
8-2	14	8	7 with Restrictions	4	7 with Restrictions
18-1	155	8	7 with Restrictions	8	7 with Restrictions
18-2	154	8	7 with Restrictions	8	7 with Restrictions
20-1	22	8	7 with Restrictions	8	7 with Restrictions
20-2	23	8	7 with Restrictions	8	7 with Restrictions
20-3	20	8	4	4	4
22-1	26	8	7 with Restrictions	8	7 with Restrictions
22-2	27	8	7 with Restrictions	8	7 with Restrictions
22-3	29, 25, 30	8	7 with Restrictions, 4, 2	4, 2	7 with Restrictions, 4, 2
22-4	31	8	7 with Restrictions	4	7 with Restrictions
22-5	32	8	7 with Restrictions	8	7 with Restrictions
26-1	37	8	7 with Restrictions	4	7 with Restrictions
28-1	43, 40	8	7 with Restrictions, 4	4, 8	7 with Restrictions, 4
28-2	41	8	7 with Restrictions	8	7 with Restrictions
33-1	47	8	7 with Restrictions	4	7 with Restrictions
34-1	52A, 52B	8	7 with Restrictions	8	7 with Restrictions
34-2	51	8	7 with Restrictions	8	7 with Restrictions
39-1	56	8	4	4	4
39-2	57	8	7 with Restrictions	8	7 with Restrictions
40-1	64	8	7 with Restrictions	8	7 with Restrictions
40-2	63	8	7 with Restrictions	4	7 with Restrictions
40-3	62, 59	8	7 with Restrictions, 4	4	7 with Restrictions, 4

Draft Tims Ford Reservoir Land Management Plan

40-4	61	8	7 with Restrictions	8	7 with Restrictions
40-5	58	8	7 with Restrictions	8	7 with Restrictions
50-1	74, 73	8	7 with Restrictions, 4	4	7 with Restrictions, 4
50-2	75	8	7 with Restrictions	4	7 with Restrictions
52-1	78	8	7 with Restrictions	8	7 with Restrictions
52-2	79, 77	8	7 with Restrictions, 4	4, 8	7 with Restrictions, 4
52-3	80	8	7 with Restrictions	4	7 with Restrictions
52-4	81	8	7 with Restrictions	8	7 with Restrictions
57-1	86	8	7 with Restrictions	4	7 with Restrictions
57-2	88	8	7 with Restrictions	4	7 with Restrictions
66-1	100	8	7 with Restrictions	4	7 with Restrictions
69-1	105	8	7 with Restrictions	4	7 with Restrictions
71-1	114	8	7 with Restrictions	4	7 with Restrictions
71-2	113	8	7 with Restrictions	4	7 with Restrictions
71-3	111	8	7 with Restrictions	4	7 with Restrictions
71-4	110	8	7 with Restrictions	8	7 with Restrictions
71-5	109	8	7 with Restrictions	8	7 with Restrictions
73-1	118, 117	8	7 with Restrictions, 6	4, 6	7 with Restrictions, 6
73-2	116, 117	8	7 with Restrictions, 6	6, 8	7 with Restrictions, 6
77-1	146	8	7 with Restrictions	8	7 with Restrictions
77-2	145	8	7 with Restrictions	8	7 with Restrictions
77-3	144	8	7 with Restrictions	4	7 with Restrictions
81-1	138	8	7 with Restrictions	4	7 with Restrictions
86-1	125	8	7 with Restrictions	8	7 with Restrictions
86-2	127	8	7 with Restrictions	8	7 with Restrictions
88-2	135	8	7 with Restrictions	4	7 with Restrictions