

# Section 8

## MAPS AND FACT SHEETS

Ohio Lake Erie Commission Cleveland State University CDM

### Best Local Land Use Practices Mythbusters Fact Sheet

Whenever new technologies are introduced, myths arise from common questions and misunderstanding of the facts. The "Mythbusters" summary explores the most common myths and questions, and the answers that put these myths to rest.

The Ohio Lake Erie Commission promotes use of structural and non-structural best local land use practices that control storm water runoff volumes, peaks, and pollutant loads in a manner that mimics, to the extent possible, natural hydrologic functions. These practices include minimizing impermeable surfaces, using permeable pavements, preserving existing open spaces, and implementing storm water controls that integrate infiltration, evapotranspiration, and detention as allowable by site conditions.

While these practices have been around for some time, they are still not routinely used in many parts of the United States. As a result, there are still many myths associated with the use of best local land use practices. Some of those myths are dispelled below.\*

#### Stream Setback Areas

**MYTH** – Will stream setback requirements affect my property values?  
**FACT** – Property values typically increase with a forested riparian area if the area is aesthetically pleasing.<sup>1</sup> In a hedonic analysis of property values on riparian setback-affected properties, no impact was uncovered with regard to the setbacks.<sup>2</sup>

**MYTH** – Will stream setbacks affect the use of my property?  
**FACT** – Typically regulations allow for a number of limited uses within the stream setback and variances may be issued in certain circumstances.<sup>3</sup>

**MYTH** – A 35-foot setback or less is all that is needed to protect the stream.  
**FACT** – Effective setback distances vary based on stream drainage area. Wider setbacks are more effective at removing sediment and providing flood control benefits. Wildlife habitats and stream function are also helped with larger setback widths.<sup>4</sup>

**MYTH** – It is unnecessary to protect intermittent streams because they rarely carry water.  
**FACT** – Intermittent streams can substantially influence the water quality of downstream reaches because a significant portion of the runoff travels through intermittent streams to reach downstream reaches.<sup>5</sup>

**MYTH** – The type of soil does not matter when grading/establishing stream corridor areas.  
**FACT** – The type of soil should be considered in order to establish vegetative cover and promote slope stability.<sup>6</sup>

**MYTH** – All stream corridor areas must be left "wild" with tall vegetation.  
**FACT** – Stream corridor vegetation types can vary and should be consistent with local requirements for height, types, density and appearance. Woody vegetation should be maintained to encourage short vegetation types to become established which minimizes erosion.<sup>7</sup>



#### Conservation Developments

**MYTH** – Will the smaller lots in a conservation development affect property values?  
**FACT** – Lots in LID (Low-Impact Development, designed in accordance with Best Practices) neighborhoods sold for 53,000 more than in competing conventional developments.<sup>8</sup> "Economics of Conservation Subdivisions" showed that lots in conservation subdivisions are less expensive to build, minimize impervious areas, preserve open spaces, and are usually well suited for best practice storm water controls.<sup>9</sup>

**MYTH** – How do conservation developments fit in with the rural/suburban landscape?  
**FACT** – When done properly, conservation developments can preserve rural character with green space integrated into the development.<sup>10</sup>

**MYTH** – What is the impact of conservation developments on community tax rolls?  
**FACT** – Since the overall value of the developments remains high due to lot premiums, tax rolls should not be affected.<sup>11</sup>

**MYTH** – How can we ensure sustainability of homeowners' associations in conservation developments over time?  
**FACT** – Homeowners' associations fail because they are not set up properly. Most modern HOAs have built-in protections that strengthen them for long-term survival: mandatory membership that passes with each sale of the home; authority to levy fees for operations and capital improvements; and required review of covenants and restrictions by the community before project approval.<sup>12</sup>

(Conservation Developments cont.)

**MYTH** – How is surveillance provided on the open space of conservation developments?  
**FACT** – In fact, the open space in conservation developments have not been associated with an increase in crime. Additional houses adjacent to the open space mean increased surveillance of open land, compared with one-owner open space lands.<sup>13</sup>

**MYTH** – How can we encourage developers to do more than just conservation developments?  
**FACT** – If the zoning code is properly set up, the developer should be encouraged to do conservation developments through streamlined approvals.<sup>14</sup>

**MYTH** – How does Ohio law provide for conservation developments for townships?  
**FACT** – Ohio townships can implement conservation developments through the Planned Unit Development Provisions in the Ohio revised code, Section 559.021.<sup>15</sup>

**MYTH** – How can conservation developments be accomplished in non-sewered areas?  
**FACT** – Several Ohio townships have implemented conservation developments in non-sewered areas by allowing part of the back field to be placed on private lots with a conservation easement on them, or common open space with a sewage disposal easement on it.<sup>16</sup>

#### Structural Storm Water BMPs

**MYTH** – Once the post-construction storm water BMP is constructed it is ready for operation.  
**FACT** – One of the most common reasons that post construction BMPs fail is due to sediment entering the BMP from an un stabilized site. Runoff from un stabilized construction sites should be diverted until final stabilization is achieved. To minimize sedimentation, post construction BMPs should be installed in later construction phases.<sup>17</sup>

**MYTH** – Do I need to implement non-structural storm water BMPs if I have structural BMPs on-site?  
**FACT** – Non-structural storm water practices extend the life of post construction BMPs and can provide a cost savings in the long run.<sup>18</sup>

**MYTH** – Do low-impact development techniques cost more than conventional techniques?  
**FACT** – Using best land use practices, such as reducing impervious areas and decentralizing BMPs, often reduces overall site construction costs because expensive storm water infrastructure may be minimized or avoided.<sup>19</sup>

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