

Think Quality - Think Future

Blount County Planning Department

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: June 17, 2009

SUBJECT: Items for Long Range Planning for June 25, 2009 regular meeting.

For first three items of long range planning agenda, see separate memo from Roger Fields.

4. Discussion and possible action on erosion control provisions in zoning and subdivision regulations.

At the April 7 work session, the County Commission referred to the Planning Commission the matter of possible incorporation of erosion control standards in the subdivision regulations and the zoning regulations. The timeline given by direction from the County Commission is to provide recommendations by the July County Commission meeting. To meet the timeline, the Planning Commission will need to make recommendations by the time that agenda for July County Commission work session is set, essentially by July 1. This item was deferred from the April regular meeting, and discussed with direction to staff at the May regular meeting. Following is a proposed set of amendments to the zoning and subdivision regulations that address erosion control plans and role of the Stormwater Program Coordinator. Suggested amendments are in grey highlight or strike-out.

FOR ZONING REGULATIONS

Section 7.2. Site Plan Requirements. For those uses requiring site plan review and approval, such site plan shall include the following:

F. An erosion control plan approved by an appropriate agency if such plan is required by any applicable state or local regulations. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of site plan approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

(NEW) **Section 7.19. Erosion control during any permitted construction.** *It shall be the responsibility of the building permit holder under these regulations to contain construction related erosion within the property subject to the building permit. The Stormwater Program Coordinator shall have authority under these regulations for inspecting worksites and erosion control measures of permitted construction, and shall have authority to direct corrective actions or mitigation upon field inspection.*

FOR SUBDIVISION REGULATIONS

4.04.1 Policy Regarding All Subdivisions:

(f) A *Pre-Construction Meeting* shall be mandatory for all major subdivisions prior to any construction as part of any preliminary plat approval, unless waived by staff in cases where a new road, driveway, drainage area, or extension of utilities is not being proposed. This conference shall be scheduled by developer and staff following the preliminary plat approval of a major subdivision prior to any on-site construction, grading, earth moving, or clearing activities. This meeting shall include some or all of the following: planning staff, environmental health staff, engineering department staff, *stormwater program coordinator*; as well as the developer, project developer, surveyor, and project engineers (employed by developer), clearing and grading contractors, utility contractors, road contractors, drainage contractors, and any other contractors to be employed by the developer for the express purpose of making any and all improvements necessary to meet these regulations. This meeting may occur on-site of the proposed development, when feasible, and shall be coordinated by the developer and planning staff (see Section 4.04. Step 6). All Major subdivisions shall require that the developer submits any and all necessary permits at the time of the Pre-Construction Meeting. Including, but not limited to: Blount County Grading Permit *if required*, State SWPPP, ARAP,

NPDES, TDOT Driveway Connection Permits, In addition to notification by the developer to Tennessee One Call, and the Utility Inspector for the Blount County Highway Department for any proposed work in the County ROW.

4.04.3 Procedure for Major Subdivisions; Preliminary through Final (Steps 1-14):

(f) **Step 6.** A *Pre-Construction Meeting* shall occur prior to any on-site development as part of any preliminary plat approval for a major subdivision or any subdivision requiring the construction of any common facilities including a common driveway or drainage. This meeting shall occur at the Blount County Highway Department or on-site when deemed necessary by Planning staff [See Section 4.04.1(f), above]. Any construction activities, clearing, grading or earth moving prior to this conference is solely at the risk of the developer. Prior to any on-site construction activities, all erosion control measures must be in place according to the developer's project engineer's plan. A county grading permit, *if required*, and any other state permits for clearing, grading, earth moving, or highway connections from TDEC or TDOT must be supplied to planning staff prior to any on-site construction activities and shall be submitted prior to the Pre-Construction Meeting. It shall be the developer's responsibility to contact the Engineering Department to schedule the Pre-Construction Meeting. The developer shall be familiar with and comply with the Developer's Construction Checklist and policies of the Highway Department (Appendix III) for all road and drainage improvements and installation.

5.02.2 Features: The following shall be submitted:

(h) Four (4) copies of the *Erosion Control Plan* *or SWPPP* shall be submitted to the Planning Commission with the preliminary plat for any major subdivision. The Erosion Control Plan should be prepared on a topographic map for all major subdivisions, this plan should incorporate the erosion control practices as specified in the Tennessee Erosion and Sediment Control Handbook, 2nd Edition (available from the Blount County Soil Conservation Service or on-line from the State of Tennessee, Department of Environment and Conservation). ~~The Erosion Control Plan must also be in compliance with the Blount County Soil Erosion and Sediment Control Resolution, 2004. The owner/developer shall secure a Blount County Grading Permit when disturbing at least 1/10th of an acre, unless the project meets the exemption of the above referenced resolution.~~ All Major subdivisions shall require that the developer submit any and all necessary

permits at the time of the Pre-Construction Meeting. Including, but not limited to: Blount County Grading Permit, if required, State SWPPP, ARAP, NPDES, TDOT Driveway Connection Permits, In addition to notification by the developer to Tennessee One Call, and the Utility Inspector for the Blount County Highway Department for any proposed work in the County ROW. The subdivider shall comply with all State and County erosion control ~~permitting~~ requirements prior to any on-site construction in addition to the requirements of the Planning Commission. The erosion control plan shall be supplied with the preliminary plat, reviewed by staff and the Blount County Stormwater *Program* Coordinator and approved prior to construction. All required state and county permits shall be supplied at the time of the preconstruction conference. All applicable control measures shall be in place prior to any construction on-site. Whenever a Storm Water Pollution Prevention Plan (SWPPP) permit is required, as per the Tennessee Department of Environment and Conservation (TDEC) for site preparation or other activities; or any other permits for site preparation or stream crossings are necessary (NPDES, ARAP or other permits), it is the responsibility of the developer to comply with the State of Tennessee regulations and all permits and application documents shall be submitted to planning staff prior to any on-site construction activities. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of plat approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

8.02.1 Preliminary Soil Information, Site Preparation:

c) All erosion control measures must be in place prior to any on-site construction. An erosion control plan shall be submitted to the Storm Water *Program* Coordinator ~~and Grading Permit shall be required and approved~~ prior to any on-site construction of any and all Major Subdivisions ~~in accordance with the Water Quality Plan for Blount County, Tennessee.~~ In addition all erosion control measures shall be in accordance with the standards and practices in the Tennessee Erosion and Sedimentation Control Handbook by the Tennessee Department of Environment and Conservation. All Storm Water Pollution Prevention Plans and permits must be supplied to planning staff prior to any onsite construction, As well as any NPDES or ARAP permits from the State of Tennessee Department of Environment and Conservation. All topsoil shall be removed from area of roadbed and stockpiled along roadway. Stockpiles will be placed so that water will drain

freely. Stockpiles will be placed outside areas of construction, including areas of cuts and fills. Erosion control measures, as approved, shall be employed immediately to mitigate impacts of erosion. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of plat approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

This item is open for discussion and possible action to recommend. For the zoning regulation amendments, the action would be recommendation to the County Commission. For subdivision regulation amendments, action would be to set public hearing (30 days notice required).

5. Discussion and possible action on ridge-top and hillside regulations.

This item was subject of a workshop prior to the regular meeting. See separate workshop memo. This item is open for continued discussion and possible action.

6. Recommendation on amendment to Section 7.14 for correct wording.

At the April meeting, the Planning Commission recommended several corrective amendments to the Zoning Regulations, including reestablishment of wording for Section 7.14. In reviewing the proposed amendments, the Maryville Planning Staff noted that the recommended wording was not the same as that recommended for adoption of a codified whole zoning regulations. Staff found that the section had been amended twice, and that the newest amendment was not used in the previous recommendation from the Planning Commission. To correct for the mistake, staff proposes that the following wording be substituted:

Section 7.14. Front Setback Requirements on Steeply Sloping Land.

Notwithstanding other provisions in this Resolution, for lots without defined front setback established by registered plat or by deed or subdivision restrictions, and which have average slope greater than 15%, the front setback may be reduced upon finding by the Building Commissioner that the average slope of the land is greater than 15%. Front setback shall be no less than 35 feet from centerline of fronting road, or 10 feet from front property line, whichever distance is greater from centerline of fronting road.

Information to be supplied by applicant to the Building Commissioner to avail of lesser front setback under this section shall include a topographical map of the property of at least five foot contours, slope analysis showing extent of land greater than 15% slope, and proposed placement of structures. The Building Commissioner shall make written findings in applying this section, to be attached along with other supporting information to any related building permit.

This item is open for action to recommend to the County Commission.

7. Amendment to common driveway provisions in the Subdivision Regulations.

The planning commission discussed issues with applying present common driveway requirements to existing common driveway situations at previous meetings. The following is suggested amendment from staff in context of Section 6.02.5:

6.02.5

- 1) Type 1 - Common Driveway Development: A Type 1 development consists of no more than four lots served exclusively by the common driveway easement. The lot sizes are restricted only by the minimum area standards established by the Subdivision Regulations and the Health Department. Access may be provided by a private easement or right-of-way twenty-five feet in width. Access shall be for vehicles as well as utilities to be contained within this easement. Drainage improvements shall be required, as necessary, and the driveway itself shall consist of compacted gravel 4" deep of rolled "pug-mix" gravel, at least ten (10) feet in width, upon a prepared subgrade with a crown. Compacted shoulders three (3) feet wide on both sides shall be slightly lower than the road surface. These shoulders shall be sown in grass and covered in straw to facilitate germination and to stabilize the shoulders. Ditches on both sides (outside the shoulders) shall run the length of the common driveway (when applicable) and rip-rap or other energy dissipaters may be required. Turnouts may be required by the Planning Commission depending upon the length and alignment of the drive. A T- or Y - turnaround shall be contained within the easement at the end of the common drive. The common driveway shall be constructed to the last (furthest) lot to be served. All common driveways entrances located on collector streets or greater shall be paved from the edge of the existing pavement to the edge of the right-of way to promote safety and keep loose gravel off of the county road. The paved entrance shall contain 50 foot turning radiuses and the paved surface shall be on a prepared gravel surface and built to the same specifications as a county road. Common driveways serving more than one parcel must be maintained by a maintenance agreement for all lots served by the common driveway. The

maintenance agreement must accompany the final plat and be recorded in the Register of Deeds Office along with the final plat and referenced in the deeds for separate lots. The plat and deed(s) shall note the restriction that no more than four lots may be served by a Type 1 drive. The maximum grade for a common driveway shall not exceed fifteen (15) percent. Preliminary Plats of 3 or more lots served by a Common Driveway shall be submitted as a Major Plat and shall be submitted first as a Preliminary Plat with at least One Month before submission of a Final Plat. Any construction prior to pre construction meeting with staff and any required permits is at the sole risk of the developer.

Notwithstanding the above, on any common driveway subdivision approved or established prior to September 1, 2006, where a new lot or new lots are proposed: the minimum improvements shall be only those needed to bring the driveway surface up to standards required prior to September 1, 2006, and shall not include new paving of entrance; construction of new improvements for a simple extension of a common driveway easement to one more lot at the end of the easement may be waived; and the provision for maintenance agreement may be by notation on the plat if such was provision on original plat, without requirement of formal registered agreement.

8. Staff reports.

Reminder of called work session on the Land Use Plan and the Major Road Plan June 30 at 5:30 PM in Room 430.

Reminder that the Blount County Green Infrastructure Plan will be subject of public hearing next regular meeting, July 23, and copy of the proposed plan is available on at www.blounttn.org/planning under the Plans button.

The Planning Commission needs to set a long range planning work session for July – staff suggests 5:30 PM on July 30 which is a fifth Thursday.

Staff may report on other miscellaneous matters at the meeting.