

Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: February 1st – February 15th, 2010

SUBJECT: Staff reports on agenda items for the ***Thursday, February 25th, 2010*** regular meeting. 5:30 Hearings and Site Plans

I. Hearings:

A. Concept Plans: None

B. Preliminary Plats – Major Subdivisions:

1. **Sparks Cabin Sites off Christy Lane in Laurel Valley: 5 new lots and 1 existing tract (Lane Property) to be served by a private easement.**

The preliminary plat for the Sparks Cabin Sites is a proposed five-lot subdivision containing 3.5 acres off of Christy Lane in Laurel Valley. All of the lots are to be served off a shared access easement and all of the lots are to be served by electric, public water and a shared septic system. The parcel is in the R-1; Rural District 1 Zone and the lot sizes indicated do not meet the minimum lot size requirements for zoning or for the subdivision regulations. The Lane Property is also served by this easement.

The Lane Property is shown in the Register of Deeds Office on Plat 908B. This plat indicates an old hotel site and several very small lots. However the lots on this plat have no calls or bearings and are all dashed lines. The deed for the parcel only indicates the boundary of the 4.74 acre Lane Property and the tax card indicates there is only one tract taxes are being paid on and not multiple small lots.

The five proposed lots and the Lane parcel being served by a shared common driveway easement implies a variance to the subdivision

regulations for the number of lots served by the common driveway. The current regulations allow for four lots to be served exclusively off of a common driveway easement. The proposed location of the common driveway easement is satisfactory. All five of the cabins exist as does the Lane residence, which are all currently being served off of the existing shared driveway.

Analysis:

Design of plat, plat description: The parcel is in the R-1 zone and is mountainous terrain. This proposed common driveway division can be accommodated off of Christy Lane provided the instructions in the staff analysis are completed prior to final plat for any of the lots served by the easement for access. All of the physical common driveway construction and utilities shall be the responsibility of the owner and be completed prior to releasing the final plat.

According to the plat all five of the proposed lots are to be served by public water from Tuckaleechee Utility District through a private water system owned by Mr. Sparks. Staff has been informed that the Utility is prepared to sign the final plat. It is unclear what the long term relationship for maintenance and assurance of service will be between the individual lots and the private distribution system of Mr. Sparks.

All five of the cabins exist and share an existing septic system that is located on a shared septic easement. An area for septic duplication has been identified on the preliminary plat. This is not a standard situation, but recognizes the actual field conditions. Maintenance responsibility of all lots concerned, as a property owners association, shall be specified along with the final plat.

All five of the lots are less than the required 30,000 square foot minim lot size in the R-1 zone, however the preliminary plat shows a common open space for all five of the lots that indicates all of the lots have adequate open space to meet with the subdivision requirements for a cluster development with commensurate open space and meets the requirements for a Planned Unit Development in the R-1 zone. A PUD plan shall be submitted by the owner to the Building Commissioner for Zoning compliance and process.

None of the parcel is located in a floodplain. The proposed subdivision has been reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with public water, electric and shared septic systems.

Septic, Sanitary Sewer: All five of the proposed lots have existing structures on them and all of these cabins utilize a shared septic system. The condition of this system and adequacy of the system to support five one-bedroom cabins has been confirmed by the Environmental Health Department. The original system for these five one-bedroom units was approved on an undivided tract in 1995. A duplication area shall be required as with all lots approved by the planning commission, this area is identified on the preliminary plat in the common area. The addition of this area for the duplication area shall be further reviewed by the county Environmental Specialist and confirmed by the Director of Environmental Health prior to signing the final plats. Given that the system is a common septic system already in existence, adequate provision of joint maintenance will need to be provided.

Existing Private Roads: Christy Lane and Laurel Valley Road are both private roads within the Laurel Valley community. Both roads are 18 feet or wider with adequate ditches and shoulders for this subdivision. Laurel Road serves the Laurel Valley development and is 18-19 feet wide. According to the Highway Department the proposed Sparks Cabin Sites Subdivision is appropriate for the existing county road serving the development.

Review and comment by the Laurel Valley Home Owner's Association with regard to road maintenance and dues to be paid for use of the internal existing roadways will need to be confirmed prior to final plat submission. The location of the proposed common driveway is satisfactory, as is sight distance in either direction. Staff instructions, per the subdivision regulations regarding the required improvements to the common driveway are listed below.

Utilities: Public water and underground electric are proposed to serve all lots for the subdivision. All water and electric improvements have been installed to each lot. Tuckaleechee Utility District supplies water to Mr. Sparks who in turn supplies water to these lots as well as several lots in Laurel Valley. It is understood at this time that Tuckaleechee Utility District has agreed to certify the final plat. It is unclear what the long term relationship for maintenance and assurance of service will be between the individual lots and the private distribution system of Mr. Sparks.

Section 7.01.5 Water Supply System; of the Subdivision Regulations states;

“When an On-Site water supply system or a community water delivery system is established by the developer to serve a new subdivision in an outlying area the water system shall be maintained and operated by a state approved public utility.

The Planning Commission has not approved similar on-site private water systems for subdivisions in the past decade. A private water system can be approved if the maintenance and operation of the system is by a public utility by the Tennessee Regulatory Authority. The rules for a water utility are specified in the Tennessee Regulatory Authority, Chapter 1220-4-3, Water Regulations.

The following options are presented for Planning Commission consideration.

1. The Planning Commission can accept the current private on-site water system and accept the situation “as-is” for the subdivision. This would require a variance to the subdivision regulations to Section 7.01.5. This would also require that the water areas be clearly identified with easements on the final plats, and that the covenants include maintenance responsibility for the shared private water system.
2. Require the owner to enter into an agreement (contract) with a public utility such as TWSI, or Tuckaleechee Utility District, for the maintenance and operation of the on-site water system. This would also require that the water areas be clearly identified with easements or utility lots on the final plats.

Construction of Improvements: Any of the common driveway improvements that are made prior to a pre-construction meeting with staff are at the risk of the owner. The location of the entrance and the driveway grade appear satisfactory.

The common driveway must be fully installed to each lot to be constructed within a 25' easement. A T-turnaround shall be required on lot 5 to be contained within the easement. The common drive shall be built on a compacted earth surface void of substandard soil conditions in the sub-grade. The gravel surface application shall be spread a minimum of 4 inches thick of rolled pug-mix the entire length of the common driveway, and be a minimum of 10 feet wide (five feet on either side of crown in sub-grade). The three foot shoulders on both sides of the 10 foot wide gravel surface shall also be compacted and seeded and covered in straw as soon as the stone surface is applied; or it shall be determined by staff if the existing driveway meets the current requirements or what needs to be done to bring the drive up to current standards.

The driveway entrance shall be paved as described in Section 6.02.5 (a)(1) of the Subdivision Regulations in order to improve turning movements in and out of the site, reduce wheel spin, keep gravel from migrating onto the private road, and to minimize damage to the existing

paved edge of the road. The paved surface shall be built to county road standards and the paving shall extend from the edge of the existing pavement along Christy Lane to the edge of the right-of-way at a minimum. A 40' turning radius shall be constructed at the entrance on both sides of the paved entrance. The entrance shall be 16 feet wide of paved surface (wide enough for two vehicles) and taper down to the ten foot gravel driveway.

Prior to any on-site work the owner shall contact the subdivision inspector for inspection of the sub-grade and ditches.

Drainage and Erosion Controls: Drainage information and calculations were not requested by the Engineering Department and Storm Water Coordinator for this subdivision since all five of the cabins are existing and the road bed has already been graded, there is no major disturbance anticipated other than driveway improvements and some re-ditching.

*Any construction activity, earth moving, or grading that occurs prior to a pre-construction meeting with staff is solely at the risk of the developer. Any (necessary) erosion control permit(s) shall be supplied to staff prior to the pre-construction meeting. The owner is responsible for erosion control measures and an **Erosion Control Plan** as per Section 5.01.2(h) of the Subdivision Regulations. The Erosion Control Plan must be supplied by the time of the pre-construction meeting.*

Next, the owner shall comply with Section 8.02.1 prior to the removal of topsoil and install all erosion controlling devices as per the Erosion Control Plan submitted and in accordance with the Tennessee Erosion and Sediment Control Handbook, 2nd Edition. Planning staff shall inspect and approve on-site erosion controls prior to any earth moving activities. It is further the owner's responsibility to comply with Section 7.01.9 for all site improvements regarding seeding, matting, ditch treatments and other measures to re-establish vegetative cover on all disturbed areas. The Storm Water Coordinator and Planning Staff shall inspect and approve all final site improvements prior to releasing any final plat.

The owner is also responsible for determining if a SWPPP permit is required by the State of Tennessee prior to any on-site construction. The owner shall supply staff with a copy of the SWPPP permit if applicable.

Developer Notice:

- Any on-site construction prior to a pre-construction meeting with staff or required permits is at the risk of the owner.

- The owner shall contact the Planning Office at 273-5750 to schedule a pre-construction meeting.
- The owner shall supply an Erosion Control Plan as per Section 5.01.2(h) at the time of the pre-construction meeting. All erosion controls must be fully installed and inspected by Planning Staff and the Storm Water Coordinator prior to any on-site construction activities.
- The owner must confirm to staff that a Storm Water Pollution Prevention Plan permit (SWPPP) from TDEC is or is not required for this project and supply a copy if needed prior to the preconstruction meeting.
- It is the responsibility of the developer and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any construction at 1-800-351-1111.

Maintenance Agreement for Common Driveway and other common elements: The owner shall supply a Maintenance Agreement or property owner's association prior to final plat inclusive of maintenance responsibilities for the common driveway and for the shared septic system, including common area for septic reserve. This document needs to be in addition to the POA document necessary to tie these lots into the maintenance responsibility for the roads within Laurel Valley controlled by the Laurel Valley Homeowner's Association. Long term maintenance for the water system will also be needed.

Administrative Considerations: The proposed Spark Cabin Sites subdivision was reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with public water, electric and a shared septic system. As required, the preliminary plat was supplied with topographic information, and preliminary soil information. The comments from the environmental health department, engineering department and storm water department are included in this staff analysis.

Outstanding items to be completed:

1. Variance consideration to allow for the five Sparks lots and Lane Property to be divided off a common driveway Easement.
2. Copy of a Maintenance Agreement for common driveway, shared septic system and common area maintenance responsibility. Suitable arrangements for maintenance of the private water distribution system.

3. Property Owner's Association documentation to be supplied to staff for review prior to final plat submission, inclusive of maintenance responsibility for these lots for internal Laurel Valley Roads.
4. A preconstruction meeting is required prior to any on-site work. An Erosion Control Plan and any permits to staff. All instructions in this staff analysis for the construction of the common driveway, and paving of entrance.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary plat due to identified deficiencies, 2) defer preliminary plat approval until deficiencies are addressed, or 3) grant preliminary plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

C. Final Plats – Major Subdivisions:

1. **Fairway Vista Subdivision by Fairway Vistas LLC with extension of Hunter Run Road off of Laurel Road in Laurel Valley. 16 lots served by a new section of Private Road.**

The latest revised preliminary was approved at the November 2009 regular meeting. Preliminary was approved in March 2008 and runs through March 2010.

Background:

This proposed subdivision was approved as a preliminary plat the first time by the planning commission in May of 2001. At that time staff noted that the required preliminary plat items were not submitted as required. The Planning Commission approved the submission, with determination that zoning issues were grandfathered.

The preliminary plat was approved in March of 2008 with the following outstanding items to be completed:

1. Determination of the proposed "Pavement Remediation Recommendations" from S&ME and the comments of the Director of Engineering.
2. POA documentation to be supplied to staff for review prior to final plat
3. All other instructions in (the) staff analysis, including pre-construction meeting, permits, construction and reconstruction of all improvements, revised drainage plan with revised drainage structure, revised plat with

modified lot lines, original S&ME road reports with original engineering stamps, all recommendations in the *Pavement Remediation Recommendation*. An original letter from Laurel Valley Homeowner's Association regarding the additional pavement. Original legal agreement between the Laurel Valley Homeowner's Association and the developer with regard to the taking over and maintenance of the private road. All other POA documentation as specified in the staff analysis.

In March of 2008, S&ME submitted a report entitled *Pavement Remediation Recommendations* containing the following pavement recommendation:

“In order to bring Hunter Run Road up to county requirements, S&ME recommends placing an asphalt mix overlay on the existing asphalt pavement section of Hunter Run Road. We recommend the following flexible pavement section be applied as an overlay – 2.5 inches of compacted bituminous asphalt surface mix.

S&ME also recommended that Grade D asphalt that meets Section 411 of the Tennessee Department of Transportation's (TDOT) specifications be used for the overlay and that all work procedures shall comply with Section 403 of TDOT's Specifications.

Staff had discussed the proposed “remediation recommendations” with Tony Abbott, Director of Engineering. Mr. Abbott reported the proposed recommendations were sound.

In November of 2009 a revised preliminary plat was supplied at the request of the developer to use a different grade of asphalt. The Paving Contractor (Westin Paving) had recommended the use of Grade E bituminous asphalt as an alternative to the Grade D proposed by S&ME. The stated purpose for the recommended change is that the Grade D is more typical of asphalt used on a highway project for high traffic roadways, while Grade E is the more typical subdivision grade asphalt.

Staff requested the developer to contact S&ME to validate the requested asphalt grade change. On November 3rd, 2009 S&ME supplied a letter to the developer that states the following:

“This letter is submitted to confirm that it is our opinion that a Grade E bituminous asphalt surface mix is acceptable for use in the remediation construction activities.”

Planning staff and engineering staff agreed with the findings of the revised S&ME letter and concurred that the 2.5 inches of Grade E asphalt as

remediation appeared satisfactory to meet the intent of the county paved road standard for a private road in this particular case.

Design of plat, plat description: The parcel is in the R-1 zone. This parcel is part of a mountain development that is densely vegetated and the entire parcel is surrounded by a golf course and previous sections of Laurel Valley subdivisions. The proposed road is an old roadway for Laurel Valley that has been constructed without an active preliminary plat, preconstruction meeting or submission of any road plan.

The final plat for the Fairway Vista is a proposed 16 lot subdivision containing 8.3 acres along 50' private road easement off of Hunter Run Road in Laurel Valley. All of the lots are to be served by a utility sewer system to accommodate the small lot sizes. Once final plat is approved the new private road is to become a part of the Laurel Valley Home Owner's Association for long term maintenance. Arrangements are understood by both parties, however no formal agreement has been provided in writing. The drainage facilities will become the responsibility of the owners in the proposed Fairway Vista Subdivision. Both maintenance regimes shall be clearly defined in the Property Owner's Documentation (for the road and for drainage). The proposed development has been reviewed inclusive of subdivision and hillside development standards for small lots served by a private road easement with water, electric and on-site public utility sewer.

Analysis:

Septic, Sanitary Sewer: All of the lots shown are to be served by an on-site utility sewer system. The developer has supplied a letter from Tennessee Wastewater Systems Incorporated (TWSI) stating their intent to operate the sewer system with all required approvals from the Tennessee Regulatory Authority; TWSI is a public utility. The developers have supplied a soil letter from a soil scientist indicating that the sanitary septic area has adequate soils for the new sewer system.

The sewer system shall to be constructed and the State of Tennessee shall approve the wastewater collection system. TWSI shall certify the installation, operation, maintenance and ownership of the sewer system to serve these lots on the Final Plat. TWSI has not certified the completion and operation of the on-site system at this time.

The final plat shows an area for use by the public sewer utility for the ownership and/or easements that are to contain the re-circulating sand filtration sewer system and drip fields. The sewer plant will become a public utility easement once approved on the final plat.

While all of these lots are to be served by public sewer, the R-1 zone requires minimum lot sizes to be 30,000 square feet. A cluster development in the R-1 allows for the lot size to be reduced to 15,000 square feet outside of area of development hindrance with commensurate open space. The lot sizes indicated have been accepted for preliminary plat approval in May of 2001.

The sewer plant and drip system are under construction and are approximately 90% complete as of this time. Final grading and soil stabilization efforts need to be employed to the satisfaction of staff prior to releasing the final plat. All silt fencing needs to be maintained on-site until such time as re-vegetation has begun.

Due to weather and working conditions final work on the sewer system has been delayed. TWSI is prepared to complete the project in short order pending favorable weather conditions and to certify the completion and operation of the on-site sewer facility once all inspections by the county and state have been completed. Staff has no reservations about holding the plat subject to the final certification by TWSI.

Existing County Roads: The road list for the county indicates that Laurel Valley Road (that leads to Laurel Valley) is 18 to 19 feet wide with adequate ditches and shoulders. The internal roads inside Laurel Valley are the responsibility of the Home Owner's Association. According to the Highway Department the proposed Fairway Vista Subdivision is appropriate for the existing county road serving the development.

Review and comment by the Laurel Valley Home Owner's Association with regard to road maintenance and dues to be paid for use of the internal existing roadways will need to be confirmed prior to final plat being released.

Utilities: Public water and electric have been installed to all lots indicated on the final plat. Both the water and electric utilities are prepared to sign the final plats.

Drainage and Erosion Controls: All erosion control permits have been supplied as required. The project engineer supplied a drainage plan and calculations with the preliminary plat. All of the on-site drainage facilities appear to be in place and shall stay in place until re-vegetation has begun and staff has made final inspections of erosion controls. The detention plan and calculations were supplied as required and were satisfactory for preliminary approval. All of the drainage improvements have been made and the drainage easement containing the drainage pond is located on the final plat. The project engineer has supplied a letter certifying the drainage facilities.

Construction of Improvements: All of the road, water, electric, and drainage improvements have been completed.

The project engineer has certified that the road built by the paving company with the amounts of tonnage purchased (over the length and width of the road) meets the requirements of a paved private road in the subdivision regulations and meets or exceeds the required remediation by the planning commission.

Staff has viewed the paved road in the field during construction and can report that the remediation depth of asphalt was applied. The Engineer for the Highway Department has reviewed the certification methodology of the project engineer and has stated this road section is satisfactory.

Staff has inspected the final construction of the road during the final paving and can report satisfactory completion of the road paving, cul-de-sac paving, ditches and shoulder work.

Finally, as mentioned the on-site sewer system is nearing completion pending optimal weather conditions to complete final grading and soil stabilization efforts.

Property Owner's Association: The developer shall supply documentation for a Property Owner's Association for Fairway Vista inclusive of 1) private road maintenance (with Laurel Valley HOA), and 2) drainage and detention maintenance for Fairway Vista home owners.

Administrative Considerations: As required the preliminary plat was supplied with topographic information, drainage plan, drainage calculations, road plan, road paving remediation plan, road profile, on-site sewer plan and a letter from the public sewer company stating intent to own and operate the sewer system. The comments from the engineering department and the storm water coordinator are included in this staff analysis. Staff is also acknowledging that this plat contains steeper terrain and gullies. These drainage areas have been identified with easements.

No lot shall be advertised or offered for sale prior to recording of any final plat.

Outstanding items to be completed:

1. The developer shall supply documentation for a Property Owner's Association for Fairway Vista inclusive of 1) private road maintenance (with Laurel Valley HOA), and 2) drainage and detention maintenance for Fairway Vista home owners.

2. Completion of the on-site sewer system by TWSI pending favorable weather conditions and TWSI certification of the completion and operation of the on-site sewer facility once all inspections by the county and state have been completed.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny final plat due to identified deficiencies, 2) defer final plat approval until deficiencies are addressed, or 3) grant final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

D. Preliminary and Final Plats - Major Subdivisions:

1. **Singing Brook Cottages off of Joe Pye Lane: 7 lots off the existing private road by Blackberry Farm LLC.**

Background:

The original Singing Brook at Blackberry Farms planned unit development off West Millers Cove was approved for final plat by the Planning Commission in June of 2005 with 15 lots on 44 acres in a cluster development with preserved open space and a private gravel loop road. All 15 lots are served by public water and individual septic systems.

The seven cottages shown on the plat are built on a 5.5 acre tract that was not part of the Singing Brook subdivision. The BZA approved a special exception multi-family site plan for the seven cabins in October of 2006 conditional upon approval of the sewer system.

The Singing Brook Cottages subdivision is a proposed preliminary and final plat of 7 small lots to utilize the internal loop road (Joe Pye Lane) to be served by private water and private sewer system.

There are several issues when subdividing a previously built situation under different rules (zoning regulations) and meeting all of the required specifications and standards for division under the subdivision regulations.

In this case, superimposing a proposed subdivision over the existing 7 cabins on an undivided parcel provides for some technical difficulties as opposed to approving undeveloped lots for re-sale. In addition to a standard review and analysis of the proposal, staff has identified three main areas of concern with respect to Singing Brook Cottages subdivision. All three of the following items shall be outlined within the analysis section and options presented to the planning commission with regard to each item listed:

1. The status of the existing on-site sewer system.
2. The status of the existing paved road surface.
3. The status of the water system serving each cottage.

Design of plat, plat description: The parcel is in the R-1 zone. This parcel is part of a mountain development that is densely vegetated and has gently rolling to steep terrain. The existing roadway was approved and constructed for the Singing Brook Subdivision as a gravel roadway which has since been paved.

The Singing Brook Cottages subdivision is a proposed 7 lot subdivision containing 5.5 acres along 40' private road easement off of West Millers Cove Road. All of the lots are to be served by a private sewer system and private water system.

Once final plat is approved the new lots are to become part of the Singing Brook Cottages covenants which will share in the long term maintenance responsibility for the private road (Joe Pye Lane) as well as the drainage facilities for Singing Brook. The private covenants also establish separate maintenance responsibility for these lots particular to golf cart paths. The long term relationship for maintenance for the private water and sewer connections still needs to be addressed.

The proposed development has been reviewed inclusive of subdivision and cluster development standards for small lots served by a private road easement with water, electric and on-site sanitary sewer.

Analysis:

Septic, Sanitary Sewer: All of the lots shown are proposed to be served by an existing private on-site sewer system. The on-site sewer system has been constructed and serves all 7 of the cottages. The system is not a utility sewer as required by the Subdivision Regulations. The "Declaration of Easements" recorded in September of 2009 for the Singing Brook Cottages as approved by the BZA, has attached exhibits which clearly identify the location of the septic drain field area and a sewer vault location. For the purpose of subdivision, both areas in addition to access easements from Joe Pye Lane would have to be established and recorded on the final plat.

The developer has supplied a letter from Tennessee Department of Environment and Conservation, Division of Water Pollution Control for the Blackberry Hotel Company to operate a;

“septic tank, effluent collection system, re-circulating sand filter, UV disinfection and 1.0 acre drip irrigation system”.

This permit is issued to Blackberry Hotel Company and not to Blackberry Farm LLC (current name of the company). This permit is a five year permit and will expire in May of 2012. While this permit is valid and necessary for the operation of a private sewer system, this system is not operated by a public utility.

Section 7.01.4 Sanitary Sewers; of the Subdivision Regulations states;

‘When an On-Site central sewerage system or a community sewer system including collection and treatment facilities is established by the developer to serve a new subdivision in an outlying area, the sewerage system shall be maintained and operated by a state approved public utility.

The Planning Commission has approved similar on-site systems when a public utility such as South Blount Utility District or Tennessee Wastewater Systems Inc. (TWSI), both of which are public utilities, have maintained and operated an on-site system. In most cases the utility also owns the system and the land with which they sit on or have easements to the land and ownership of the sewer system apparatuses. In one instance the planning commission has approved a subdivision with an on-site sewer system that was owned by a property owner’s association which had a contract with a public utility for the perpetual maintenance and operation of the sewer system and easements provided to the utility for servicing the system.

The main distinction between a permit to operate a sewer system by a private entity and one operated by a public utility is that the public utility is authorized to act as a quasi governmental agency through a permit from the Tennessee Regulatory Authority (TRA). The utility provider must provide a security in proportion to revenues guaranteeing their operation. TRA does not have an expiration period for public utility permits. In addition the state has other rules and regulations safeguarding the perpetual operation of utility services once in place to ensure property owners have required services should a utility change its service area or no longer operate. (These rules are specified in the Tennessee Regulatory Authority, Chapter 1220-4-13, Wastewater Regulations). The same safeguards do not apply to a private entity operating a wastewater system under a five year permit.

The following options are presented for Planning Commission consideration.

1. The Planning Commission can accept the current private on-site sewer system and accept the situation “as-is” for the subdivision of the Singing Brook Cottages. This would require a variance to the subdivision regulations to Section 7.01.4. This would also require that the sewer areas be clearly identified with easements on the final plats, and that the covenants include maintenance responsibility for the shared private sewer system.
2. Require the owner to enter into an agreement (contract) with a public utility such as TWSI, or South Blount Utility District, for the maintenance and operation of the on-site sewer system. This would also require that the sewer areas be clearly identified with easements or utility lots on the final plats.
3. Require the owner to submit a high intensity soil map the Department of Environmental Health and to re-evaluate each lot for a stand-alone septic system and duplication area on each lot for a three bedroom home approval just like any lot in the R-1 zone that does not already have a residential unit built upon it. Due to the fact that each proposed lot already has a home on the lot and cart paths, these lot sizes would most likely have to increase even with adequate soils to accommodate for the primary system and duplication system.

The last scenario would not require that each existing cottage have a new septic system put in, it would simply ensure each lot meets the requirements of the subdivision regulation and would act as a back-up for the private sewer situation should an individual lot owner desire to put in an individual system later. The existing private sewer situation could continue and be handled internally within the private covenants.

Existing County and Private Road: The road list for the county indicates that West Millers Cove Road is 18-20’ wide with adequate ditches and shoulders. According to the Highway Department the proposed Singing Brook Cottages is appropriate for the existing county road serving the development.

Joy Pye Lane is the internal existing 18’ private road within the Singing Brook development. This gated road was approved as a private gravel road on a 40’ easement. Upon final plat consideration the road was inspected and reported by staff to meet the subdivision regulations for gravel surfaced private roadways. Since that time the road has been paved by Blackberry Farms LLC and the road is currently being maintained by the Homeowner’s Association. Planning staff was not present during the paving of the road and no staff inspections occurred as this was done after the final plat was approved by the Planning Commission.

In the past the Planning Commission has requested the owner supply adequate information that is certified by an engineer that the private road that was paved after final plat approval has been built to the standards of the subdivision regulations for additional subdivision. That certification can come in the way of contracts, invoices, calculations of asphalt and stone base tonnage and/or by core drilling samples and independent evaluation. The next step typically is either to accept the findings of the engineer's certification of the road, or in the case of a substandard stone and paving application - to request remediation efforts by the owner, to bring the paved surface road up to subdivision standards.

The paving company has supplied invoices to the project engineer for the paving of Joe Pye Lane. This information shows that grading of the road, 6" of base stone, 2" of binder, and a 1.5" topping was applied. This is an adequate amount of each layer. The project engineer has also requested the amounts of asphalt and stone ordered from the supplier. By calculating the tonnage delivered it is possible to determine the cross section of the roadway that was constructed over the distance of the road.

The project engineer has certified that the road built by the paving company with the amounts of tonnage purchased (over the length and width of the road) meets the requirements of a paved private road in the subdivision regulations and requires no remediation effort.

Staff has viewed the paved road in the field and reports no significant damage to the road and what appears to be a well built paved surface roadway. The Engineer for the Highway Department has reviewed the certification methodology of the project engineer and has stated this road section is satisfactory.

The following options are presented for Planning Commission consideration.

1. Accept the Road Certification from the project engineer that Joe Pye Lane meets the minimum requirements for a paved road.
2. Require the owner to supply core samples from an engineering firm familiar with road core sampling and testing, re-evaluate the findings, and require remediation if required.

Electric Utilities: Utility electric has been installed to all structures on the proposed lots; the electric utility provider is prepared to sign the final plats.

Water Utilities: All of the lots shown are to be served by a private water distribution system. The water system has been constructed and serves

all 7 of the cottages as well as other structures within the Blackberry development. Unlike the sewer system, the “Declaration of Easements” does not identify the location of the water system, pumps, and storage tanks, nor identifies any easements for access to those facilities. For the purpose of subdivision the location and access easements from Joe Pye Lane would have to be established and recorded on the final plat.

The developer has supplied a letter from the Vice President of Operations stating that Tuckaleechee Utility District supplies water to Blackberry Farm. Due to pressure problems with the 2 inch line along West Millers Cove Road Tuckaleechee would not allow for any more taps. Blackberry Farm purchased and constructed a system of pumps and a storage tank to supply water to various places in the Blackberry and has an agreement to furnish water to these 7 cottages in the Declaration of Covenants for Singing Brook Cottages.

Unlike the sewer system, the owner’s do not have a state permit to be a water supplier for the operation of the water system. It is understood that since all of the cottages have been of a rental nature the supply of water to these units is the same as it is for the Inn.

While a state permit to supply water to an Inn and cottages may not be required in an undivided situation, such requirement for a divided situation has not yet been determined. Specific relationships between individual lots and requirements for long term supply and maintenance of water have not been determined.

Section 7.01.5 Water Supply System; of the Subdivision Regulations states;

“When an On-Site water supply system or a community water delivery system is established by the developer to serve a new subdivision in an outlying area the water system shall be maintained and operated by a state approved public utility.

The Planning Commission has not approved similar on-site private water systems for subdivisions in the past decade. A private water system can be approved if the maintenance and operation of the system is by a public utility by the Tennessee Regulatory Authority. The rules for a water utility are specified in the Tennessee Regulatory Authority, Chapter 1220-4-3, Water Regulations.

The following options are presented for Planning Commission consideration.

1. The Planning Commission can accept the current private on-site water system and accept the situation “as-is” for the subdivision of the Singing Brook Cottages. This would require a variance to the subdivision regulations to Section 7.01.5. This would also require that the water areas be clearly identified with easements on the final plats, and that the covenants include maintenance responsibility for the shared private water system.
2. Require the owner to enter into an agreement (contract) with a public utility such as TWSI, or Tuckaleechee Utility District, for the maintenance and operation of the on-site water system. This would also require that the water areas be clearly identified with easements or utility lots on the final plats.
3. Require the owner to submit a high intensity soil map the Department of Environmental Health and to re-evaluate each lot for a stand-alone well water, individual septic system and duplication area on each lot. Due to the fact that each proposed lot already has a home on the lot and cart paths, these lot sizes would most likely have to increase even with adequate soils to accommodate for the primary system and duplication system. Minimum lot size in the R-1 increases from 30,000 square feet with septic, to 35,000 square feet minimum for lots with wells.

The last scenario would not require that each existing cottage have a new water system put in, it would simply ensure each lot meets the requirements of the subdivision regulations and would act as a back-up for the private water situation should an individual lot owner desire to put in a well later. The existing private water situation could continue and be handled internally within the private covenants.

Drainage and Erosion Controls: All erosion control permits had been supplied as required for Singing Brook. The project engineer supplied a drainage plan and calculations with the original preliminary plat. All of the on-site drainage facilities appear to be in place and functioning. The project engineer has supplied a letter certifying the drainage facilities inclusive of these 7 proposed lots.

Construction of Improvements: All of the road, water, electric, sewer and drainage improvements have been completed or are in place.

Property Owner’s Association: The developer shall supply updated documentation for a Property Owner’s Association for Singing Brook Cottages for all private elements (to be determined).

Administrative Considerations: The comments from the engineering department and the storm water coordinator are included in this staff analysis.

No lot shall be advertised or offered for sale prior to recording of any final plat.

Outstanding items to be completed:

1. The developer shall supply updated documentation for a Property Owner's Association for Singing Brook Cottages for all private elements (to be determined).
2. Determination of status of acceptance of utilities and variances.
3. Determination of acceptance of road construction certification.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

E. Preliminary and Final Plats – Minor Subdivisions:

1. Estes Property off Blockhouse Road and New Blockhouse Road by Ricky and Donna Estes: 3 lots with county road frontage.

The Estes Property is a 3 lot preliminary and final plat. The proposed subdivision contains a total of 2.9 acres along Blockhouse and New Blockhouse Road. All three of the lots have direct road frontage along the county road. Site distance at this location appears satisfactory.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is slightly rolling and a portion of lot 3 is in the floodplain. There is adequate buildable area outside of the flood zone according the surveyor. The parcel is in the R-1 zone and the density and lots sizes are appropriate.

Septic, Sanitary Sewer: The environmental health department has reviewed the soil information and is prepared to sign the final plats.

Existing County Roads: Blockhouse Road is a collector status road and the plat indicates a 30' right-of-way dedication as required. According to the road list Blockhouse Road is 18 feet wide and has adequate shoulders and ditches and is acceptable for this preliminary and final plat request. According to the road list New Blockhouse Road is 17-18 feet wide and has adequate shoulders and ditches and is acceptable for this preliminary and final plat request as well.

Utilities: The water utility and electric utility are prepared to sign the final plat.

Construction of Improvements: No construction is required for this three lot subdivision.

- It is the responsibility of the lot owners and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any driveway or home construction at 1-800-351-1111. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

Administrative Considerations: The proposed preliminary and final plat was reviewed inclusive of subdivision regulations for small lots along the existing county road with public water, existing electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats with all certifications.
2. \$20.00 per lot platting fee

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

2. Arthur Kelso Estate and William Hearon Property off Martin Road: 4 lots with county road frontage. Variance Request to minimum lot size for lot 2.

The Arthur Kelso Estate and William Hearon Property is a 4 lot preliminary and final plat. The proposed subdivision contains a total of 4.5 acres along Martin Road. Three of the lots have direct road frontage along the county

road and Lot 2 is to be served by a 25' easement across the Brian Kelso property. The Brian Kelso property is an existing lot of record. Site distance at this location appears satisfactory.

The prospective owner (one of several heirs) is requesting a Variance to minimum lot size for lot 2. The minimum lot size is 30,000 square feet and lot 2 is 27,300 square feet according to the plat. The owner may wish to address the Planning Commission at the time of the meeting.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is relatively flat and none of the property is in the floodplain according to the surveyor. The parcel is in the R-1 zone.

Septic, Sanitary Sewer: The environmental health department has reviewed the soil information and is prepared to sign the final plats. The environmental health department shall confirm that the easement shown across the Brian Kelso property does not contain a septic tank or field lines that may be damaged if a driveway is placed across this area.

Existing County Roads: According to the road list Martin Road is 15 feet wide and has adequate shoulders and ditches and is acceptable for this preliminary and final plat request.

Utilities: The water utility and electric utility are prepared to sign the final plat.

Construction of Improvements: No construction is required for this three lot subdivision.

- It is the responsibility of the lot owners and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any driveway or home construction at 1-800-351-1111. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

Administrative Considerations: The proposed preliminary and final plat was reviewed inclusive of subdivision regulations for small lots along the existing county road with public water, existing electric and individual septic systems.

Outstanding items to be completed:

1. Consideration of variance request or alternative plan.
2. Signature plats with all certifications.
3. \$20.00 per lot platting fee.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

II. Misc. Items: None