

NOTICE OF PUBLIC HEARING. In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on November 6, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

In summary: Section 7.3 - amend provisions for Planned Unit Development to apply only to S and R-1 zones; Section 7.11.A - amend provisions for vacation rental cabins to conform to amended density in the R-2 zone; Section 9.3.G - increase minimum building setback in the R-2 zone to 30 feet from side and rear property boundaries with exception for front setback from roads of 20 feet setback if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road; Section 9.3.F - decrease minimum lot size and density to three acre minimum or 0.33 units per acre in the R-2 zone.

Add new Section 9.3.I to read: It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours. Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

APPROVED:

ATTEST:

Jerome Moon
Commission Chairman

Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor

RESOLUTION No. 12-11-007

Sponsored by Commissioners Gordon Wright and Gerald Kirby.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 15th day of November, 2012:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such regulations to address ridge-top and hillside development in the R-2 zone and the effect of such development on erosion control, soil stability, and the natural environment.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

That Section 7.3 introductory paragraph be amended to read as follows:

Section 7.3. Planned Unit Development. The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development. The following shall apply only to the S-Suburbanizing and R-1-Rural District 1 zones:

That Section 7.11.A be amended to read as follows:

A. In the R-1 – Rural District 1 zone and the R-2-Rural District 2 zone, the maximum density of vacation rental cabins shall be no greater than for single family density in the zone.

That Section 9.3.G be amended to read as follows:

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat, and (c) 20 feet if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road.

2. Rear Setback: the minimum building setback from the rear property line shall be 30 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

3. Side Setback: the minimum building setback from the side property line shall be 30 feet.

That Section 9.3.F be amended to read as follows:

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be three acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.33 units per gross acre.

That a new Section 9.3.I be added to read as follows:

I. It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

AFFIDAVIT OF PUBLICATION
IN
THE DAILY TIMES

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APPROVED:
Jerome Moon
Commission Chairman

ATTEST:
Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor
October 22, 2012

State of Tennessee, County of Blount,
ss: Carl Esposito being duly sworn, deposes
and says that he is the Publisher of the Daily
Times, a newspaper published in Maryville,
Blount County, Tennessee and that the
notice hereto attached was published 1
consecutive days/weeks in said news-paper,
first publication date being
October 22, 2012, the last
publication date being October 22
2012.

Signed: Carl Esposito

Subscribed and sworn to before me this

22 day of Oct, 2012.

Notary Public: W. Leann Webb

My commission expires: 5-31-15



The Daily Times
P.O. Box 9740
Maryville, TN 37802-9740
(865) 981-1100

Think Quality - Think Future

Blount County Planning Department

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Maryville, TN 37804-5906
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e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Commission

FROM: John Lamb

DATE: September 28, 2012

SUBJECT: Revised Ridge-top and Hillside Regulations recommendation from Planning Commission.

A set of proposed amendments to the zoning regulations concerning ridge-top and hillside regulations was recommended by the Planning Commission to the County Commission January 2012. The County Commission held public hearing on the proposed regulations on April 12, 2012. The Agenda Committee subsequently referred the proposed regulations for legal opinion. Craig Garrett, Attorney for the County Mayor, provided his opinion in a confidential memo to the County Commission. The County Commission Agenda Committee at their July 10, 2012 meeting referred the matter back to the Planning Commission, and the legal opinion was shared. The Planning Commission assigned reconsideration to an ad hoc committee. The ad hoc committee met on September 13 and proposed changes indicated in the following text within boarders, being new wording for one of the preambles, and new wording for proposed new Section 9.3.I. The Planning Commission considered the changes at their September 27 regular meeting and voted to recommend a revised resolution text as attached to the County Commission. This item is open for consideration to set a public hearing.

OLD

WHEREAS, it is desired to amend such Resolution to address ridge-top and hillside development in the R-2 zone.

NEW

WHEREAS, it is desired to amend such regulations to address ridge-top and hillside development in the R-2 zone and the effect of such development on erosion control, soil stability, and the natural environment.

OLD 9.3.I. It is the intent of this sub-section to preserve vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots in the process of constructing and maintaining principal use and accessory structures shall be limited to that necessary to accommodate proper fire protection (Firewise program principles may be used), to accommodate access to and within the property, to accommodate extension of utilities, and to accommodate required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

NEW 9.3.I. It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

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e-mail - planning@blounttn.org

on-line - www.blounttn.org/planning/

TO: County Commission

FROM: John Lamb

DATE: October 2, 2012

SUBJECT: Supporting information in relation to proposed Ridge-top and Hillside Regulations.

See separate memo concerning recommendation from the Planning Commission on new wording for the proposed Ridge-top and Hillside Regulations. In addition to proposed new wording, the confidential legal review suggested that supporting information relating to the purpose of erosion control, soil stability, and the natural environment should be presented as part of the record for consideration for the new regulations. The attached are offered to address that suggestion, and consist of excerpts from "Tennessee Erosion and Sedimentation Control Handbook" and "Blount County Land Use Plan: A Plan for Mountain Areas".

Excerpt from: “Tennessee Erosion and Sedimentation Control Handbook” Second Edition, Tennessee Department of Environment and Conservation, March 2002, pages xii to xiv, link on web at http://www.tn.gov/environment/wpc/sed_ero_controlhandbook/eschandbook.pdf

INTRODUCTION

Soil is formed when chemical, physical, and biological weathering processes break down underlying bedrock. It may take hundreds or thousands of years for one foot of soil to develop. Soils have properties like texture, structure, porosity, and chemistry that are determined by the parent bedrock material, but may also be influenced by the actions we take to alter the soil profile. Soil fertility, or the ability of soil to sustain life, is the product of a combination of those properties. The alteration or destruction of one or more of these properties may have serious adverse effect on the soil's ability to grow stabilizing vegetative cover.

Erosion is the detachment of a portion of the soil profile or soil surface. This can occur by either the impact of raindrops, or by the shear forces of water flowing across the soil surface. Soil particles can be transported a short distance (like the splash from a raindrop impact), or may be transported a longer distance (to the bottom of the slope, or into a water conveyance) before being deposited. The transport and deposition process is called sedimentation.

Erosion and sedimentation are natural processes. These processes occur daily, on all land, as the result of wind, water, ice, and gravity. However, the effect of natural erosion is usually only noticeable on a geologic time scale. The global average, natural geologic rate of soil erosion is about 0.2 tons per acre per year. This is approximately equal to the rate that soil is being created by the weathering of bedrock and parent material. Disturbance of the soil surface, including activities like construction, farming, or logging, greatly increases the amount of sediment loss from the site due to erosion. Soil loss from pastureland averages 1.5 tons per acre per year. Cultivated cropland can lose 20 tons per acre per year. Major land disturbances, such as mines or construction sites, can experience annual soil loss from 150 to 200 tons per acre. Erosion may occur unnoticed on exposed soil even though large amounts of soil are being lost. One millimeter of soil removed from an area of one acre weighs about five tons. Five tons of silty clay loam equates to about 4.5 cubic yards of soil. Lost soil is a lost resource of the property. Lost soil may carry off important nutrients needed for reestablishing effective, attractive vegetation after the site development is complete. If erosion is severe enough, soil might have to be brought in from other locations to regrade eroded areas, or to provide a suitably fertile growing medium for vegetation establishment.

Sediments that escape the site will eventually enter a stream or wetland. Solids suspended in the water column will interfere with the photosynthesis of plant life that form the base of the aquatic system food web. Sediments may carry other pollutants, in the form of metals, pesticides, or nutrients, into streams, or cause organic enrichment of streams, which also disrupts the food web. Suspended sediments increase the costs of drinking-water treatment for municipalities.

Sediment deposition changes the flow characteristics of a water body. These changes may result in physical hindrances to navigation or increased possibility of flooding. Deposits may actually cause further erosion within a water body if the deposit occurs at a critical spot. Sedimentation in wetlands can alter the hydrology or destroy hydric vegetation. Sedimentation that occurs in streams can cover up habitat that certain integral parts of the food web rely on. Certain types of soil particles actually bind to the gills of aquatic insects or fish. Sediment may also smother nesting sites for fish or amphibians, or cover mussel beds that filter significant quantities of pollutants from water that ultimately becomes our drinking water.

The average erosion from a designated area over a designated time may be computed by using the Revised Universal Soil Loss Equation (RUSLE). RUSLE is an erosion model developed by the U. S.

Department of Agriculture to help make good decisions in soil conservation planning. It is a set of mathematical equations used to determine what conservation practices might be applied to a landscape to reduce or limit the amount of erosion and sediment loss. The original application for RUSLE was agriculture, primarily cropland production. Subsequent revisions have widened the program's applicability to be useful to other land-disturbing activities like mining, forest management, and construction sites.

The four major factors that RUSLE uses to compute the amount of soil loss from a site are: climate, soil erodibility, topography, and land use. The important climatic variables are the amount of rainfall and the intensity of the rainfall. Soils differ in their inherent erodibility, which is based on the previously mentioned properties: texture, structure, porosity, and chemistry. Climate and soil information are obtained from regionally mapped or surveyed data. Climatic and soil variables are independent of the activities we undertake at a worksite, however, the length of time that a bare area is exposed to precipitation is considered within the climate factor of RUSLE and may considerably affect the soil loss from the worksite. In this way, phasing and sequencing the surface disturbing activities at a worksite reduces the total erosion and reduces the amount of sediment that must be controlled by other means.

Site topography, ground cover, and best management practice (BMP) use are the most variable factors in determining erosion. These three factors are also what we have control over. Slope length, slope steepness, and slope shape are the important components of topography. Much of the work done at construction sites is to change the slope length, steepness, or shape to make the property better suited for development. Obviously, the original vegetation must be disturbed to accomplish this work, however, ground cover is the single most influential variable in determining soil loss. The soil loss from a site that has been graded bare and has no BMP's in use may be 100 times the soil loss from the same site with an average stand of grass present. BMP's can reduce the amount of sediment leaving the site, but no single practice is 100% effective.

There are two types of BMP's. One type, **erosion prevention practices** are ground covers that prevent any of the types of erosion from occurring. Ground covers include vegetation, riprap, mulch, and blankets that absorb the energy of a raindrop's impact and reduce the amount of sheet erosion. Diversions, check dams, slope drains, and storm drain protection, while they may also trap sediment, are primarily used to prevent rill and gully erosion from starting. Rill and gully erosion are more difficult and expensive to repair, and result in greater volumes of sediment to control.

The second type, **sediment control practices** attempt to prevent soil particles that are already being carried in storm waters from leaving the site and entering streams or rivers. Silt fence, sediment traps, sediment basins, check dams, and even vegetative cover are sediment control practices. Of course, all BMP's must be chosen carefully, located and installed correctly, and maintained well to be effective at keeping sediment on a site.

It is important to note that a particular BMP may be an erosion prevention practice, or a sediment control practice, or it may serve both purposes at the same time.

Using RUSLE as our model, we can see that a combination of erosion prevention, consisting of leaving original vegetation whenever possible and reestablishing vegetative cover as quickly as conditions allow, as well as sediment controls, like clean water diversions, silt fences, and sediment basins can prevent sediment loss from a construction site (or any other site) during most storm events. We also see that leaving original vegetation in place for as much of the construction period as possible reduces the opportunity for a precipitation event that occurs to cause significant erosion and soil loss on a worksite.

Excerpt from: “Blount County Land Use Plan: A Plan for Mountain Areas” , approved by the Blount County Planning Commission, March 9, 1998, pages 4 to 11, link on web at <http://www.blounttn.org/planning/mountain%20area%20plan%201997%20with%20maps.pdf>

ANALYSIS

The 1976 plan developed a wealth of technical information and analysis which may be used as a starting point for addressing many of the above aspects of mountain area planning. Much of the following technical analysis on topography, geology and soils was taken from the 1976 plan analysis sections.

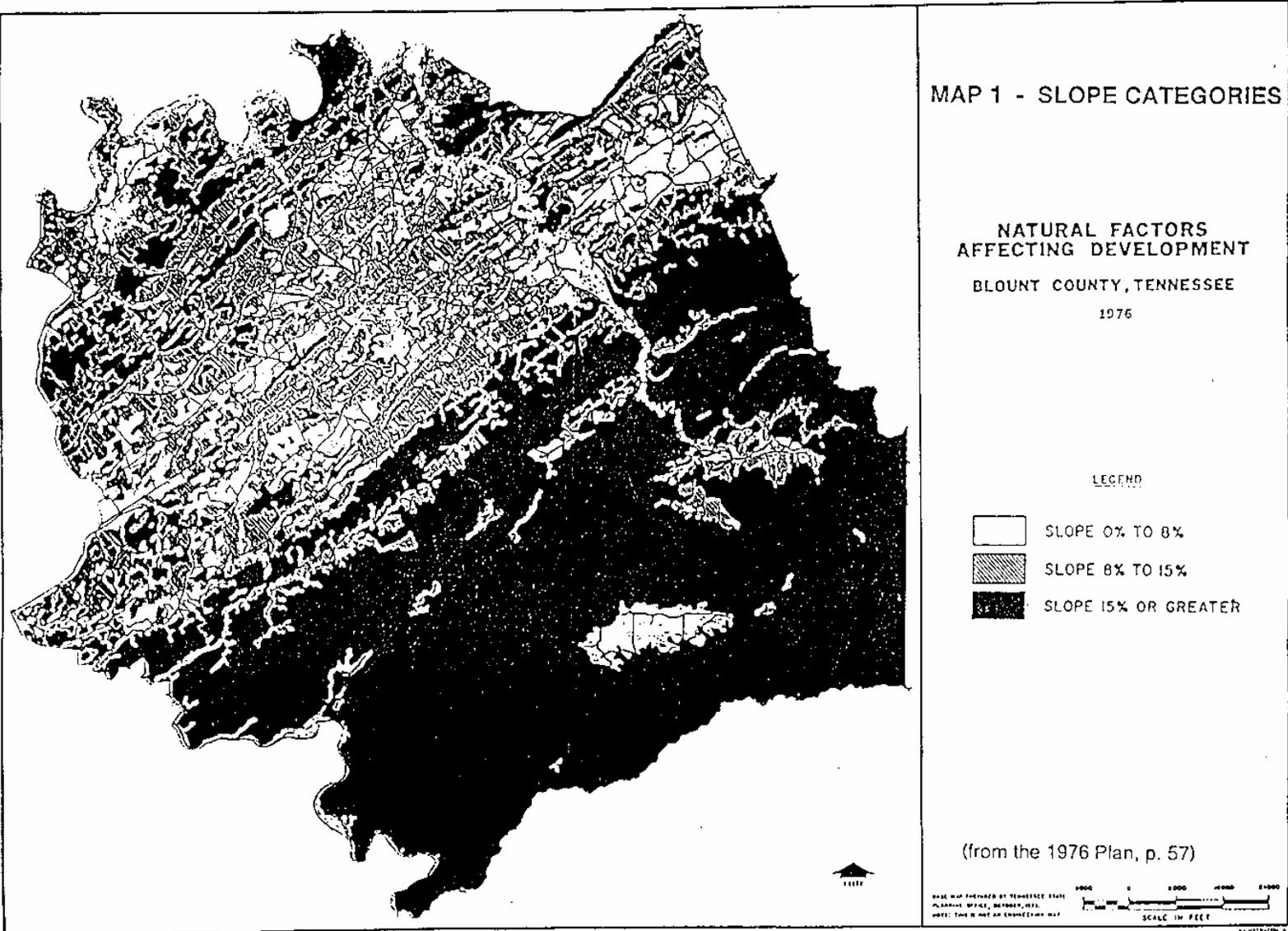
Topography. Mountain areas in the county are identified or defined by three main criteria. First is topography, or the elevation of the land. It is obvious from USGS topographic maps that certain parts of the county from Chilhowee Mountain range to the Great Smoky Mountains National Park reach elevations in excess of 2,000 feet which set these areas apart as different from the lower elevated land toward Maryville and Alcoa. Second is land form, which is directly related to topographic elevation but also considers the characteristic prominence of elevation from surrounding context. Again, there is a dramatic change in land form from the lowland hills and valleys to the prominent mountains of the Chilhowee Mountain range and other mountains into the Great Smoky Mountains National Park.

Also of importance in defining mountain areas is slope of land, or the relationship of vertical elevation of land over a horizontal distance. Slope may be measured in three ways - as angle, as ratio, and as percent slope. For planning purposes, the last measure is most commonly used. Percent slope places the relation between elevation and horizontal distance in whole number form. For example, for an elevation of 60 feet over a horizontal distance of 200 feet, the slope would be $60/200=.30$, or 30 percent. Using this measure, the 1976 plan (pp. 56-59) noted the following major slope categories for development.

Slope 0 - 8 %. Development and land use choices in this area may generally be made with limited attention to topographic factors. However, land use choices must respect other natural factors which influence the land's development capability. Special attention should be given to areas having less than 2 % slope in order that adequate drainage is provided.

Slope 8 - 15 %. The topographic characteristics of land in these areas usually pose no significant barriers to land use or development as long as other natural factors are respected. Land use and development should proceed with caution, however, because slope problems such as road grades, soil erosion, and drainage may occur, especially in the construction of roads. Development should occur in accordance with the basic standards described in the Subdivision Regulations.

Slope 15 % or greater. Land development in these areas is subject to many problems including steep road grades, sewerage disposal, soil erosion and landslides, availability of water, and even vehicular access to the building site.



Except for very low density residential development in some cases, it is recommended that development be restricted in these areas of extreme slope conditions. In cases where land owners wish to subdivide land in these areas, they should do so in accordance with the "Special Development Standards" established by the "Hillside Subdivision Regulations" of the Blount County Planning Commission. A detailed study of all the natural factors is recommended for these areas.

In addition to the above analysis from the 1976 plan, there are two other slope categories of importance to mountain area development planning.

Slope 30 % or greater. This slope is defined in the "Hillside Development Standards" of the Blount County Subdivision Regulations as undevelopable except when the subdivider can prove that development is feasible. This does not apply to division into tracts of five acres or greater, or to land which will be developed with no division involved.

Slope 50 % or greater. Septic fields can be approved on slopes up to 50 %. Thus 50 % or greater slope identifies an extreme classification of feasible development potential under present regulations.

Map 1 is taken from the 1976 plan and shows the extent of the first three slope categories above. The darkest shading highlights the mountainous region in the south of the county, generally from the Chilhowee Mountain range onto the Great Smoky Mountains National Park.

Slope Stability. The 1976 plan provides a detailed analysis of geological constraints to development in the county. In summary, the plan identifies two main geological associations, being the ridge and valley formations of the lowlands, and the Unaka Mountains. The 1976 plan (pp. 71-72) summarizes analysis of the mountain areas of the county as follows (emphasis added):

The Unaka Mountains are the high, rugged peaks and ranges in southern Blount County. The rocks are meta-morphosed sediments, and consist of slates, quartzites, and conglomerates, with minor limestones. These rocks are greatly folded and faulted, relatively tough and resistant and underlie the high ridges and mountains. They are generally lacking in available lime and so weather to produce acid soils. The steep slopes, high rainfall, and slow decay of the rocks result in generally thin soil cover, commonly with stone fragments in a humic clay. The slaty rocks have cleavages (partings) as a result of metamorphism and break up into slabs or thin sheets. All the rocks are thoroughly fractured. Water and roots penetrate these fractures, loosen the broken fragments, and start them moving down-slope. These conditions produce masses of unstable materials that if undercut, over-saturated, or denuded of vegetation may slide suddenly and with great force and possibly disastrous consequences. Many of the streams and wet weather drainage courses are marked by trains of bouldery material so formed. Cuts and structures through or located on such materials are extremely hazardous as are developments located down slope from these hazards.

These rocks are generally poor aquifers and yield only small amounts of water to wells. Most of the subsurface water flows along the soil-bedrock interface. Dug wells in places where soils are 10 feet or more thick may supply enough water for a household. Large-yield drilled wells are rare.

The 1976 plan thus documents hazards associated with slope stability in the mountain areas of the county, and also identifies two other constraints of thin soil cover and limited well water supply capability which are related to the geology of the area. Map 2 delimits (with shading) those geological associations identified as having poor capability for mountain development based on slope stability and other geological constraints.

Soils. Given that public sewer treatment is not a viable option in mountainous areas at present, and probably within the foreseeable future, private septic systems or leachate fields will be a necessary part of any development in the mountains of the county. For this reason, soils are of utmost importance in analysis for planning in such areas. As seen in the analysis under slope stability, soils are generally thin in mountain areas due to underlying geological characteristics. The 1976 plan (pp. 59-69) identifies six major soil associations present in the mountain areas as follows:

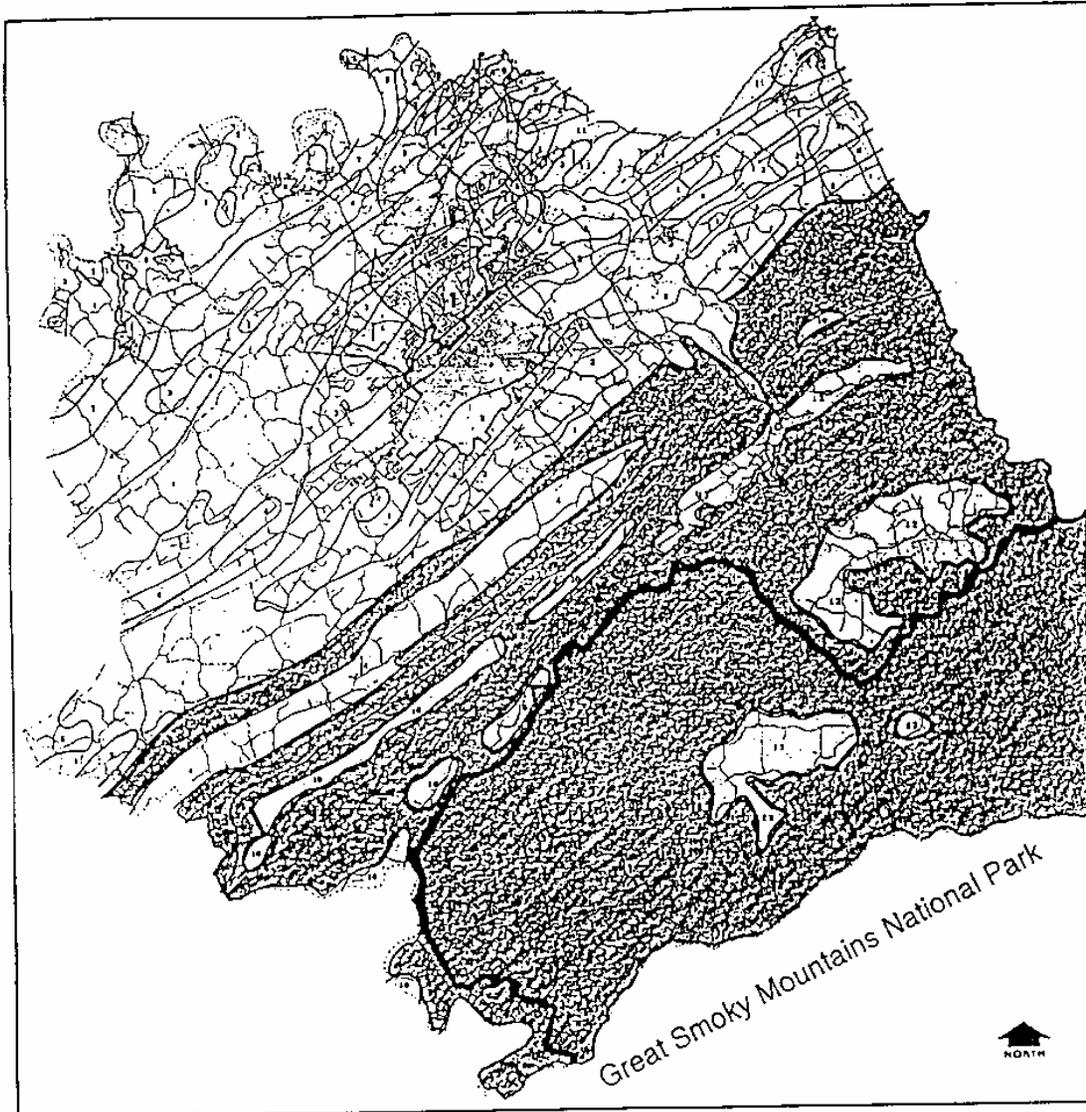
Ramsey Association: In general, housing is not recommended for this area. Septic tank systems, due to steep, shallow soils, do not function well. (Great Smoky Mountains, Chilhowee Mountains, other mountains in-between.)

Bland Association: In general this land is not suitable for housing or to septic systems, due to steep, shallow soils. (Little and Short Mountains in southwest of county)

Dandridge-Whitesburg-Hamblen Association: In general, this area is not suitable for housing or to septic tank systems due to steep, shallow, hillsides and wet bottom lands. (Knobs, downslopes of Short and Little Mountains in southwest of county, downslopes of Chilhowee Mountain north of Walland Gap.)

Tellico- Alcoa-Neubert Association: In general, the area is not suitable for housing or septic tanks due to steep slopes and shallow bedrock. There are some areas of gentle slopes with deeper soils, however, that may be suited for urban use. (Land either side of Six Mile and Old Piney Road.)

Jefferson-Montevallo Association: Except for the steepest parts, this area is suitable for housing. Septic tank systems will function in some of the area but the steeper and more stony areas often prevent proper functioning. (Happy Valley, parts of steep slopes of Chilhowee Mountains north of Happy Valley.)



MAP 3 - SOILS

Shaded areas delimit mountain soils with limited development potential.

**SOIL RESOURCE AREAS
BLOUNT COUNTY, TENNESSEE
1976**

LEGEND

- 1 - BROWN-ALCANTARA-BONNIE
- 2 - BUNNELL-TRICE-LESTERDALE
- 3 - SEQUOIA-LESTER-HADLEY
- 4 - TALLER-ALCANTARA-HELENA
- 5 - CUMBERLAND-TRICE-TRICE
- 6 - TALLER-TRICE
- 7 - TALLER-LESTER-LESTER
- 8 - BUNNELL-TRICE-LESTER
- 9 - BROWN
- 10 - JEFFERSON-MONTECALVO
- 11 - LEWIS
- 12 - ALBERTA
- 13 - CUMBERLAND

SOURCE: U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

(adapted from the 1976 Plan, p.63)

THIS MAP WAS PREPARED BY THE SOILS UNIT
IN COOPERATION WITH THE U. S. GEOLOGICAL SURVEY
AND THE U. S. DEPARTMENT OF AGRICULTURE

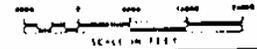


ILLUSTRATION 3

Allen-Hayter Association: Except for the steepest parts, this area is well-suited for housing and septic tank systems. (Millers Cove, Tuckaleechee Cove, and Cades Cove.)

Note that the first three soils associations are identified as not suitable for development. Map 3 highlights (with shading) those soils and shows that they are characteristic of most of the mountain area in the county from the Chilhowee Mountain range and into the Great Smoky Mountains National Park.

Infrastructure - Utilities. Public utilities such as, electricity, water and sewer are often necessary to make development feasible. Electricity can generally be provided to any development in the county. However, provision by means of poles can often mar a mountainside due to the poles and wires themselves, and due to the cutting of trees necessary to clear a path for the lines. Underground power lines are also an option, but face the problem of cutting into already hazardous geology.

Provision for utility water is generally not available at this time at extended mountain elevations due to limits of water pressure. Well water is often not feasible due to limits of aquifer recharge in the mountain geology. Leaching from private septic fields may also pose a problem for on site and down slope wells and springs.

Public sewer is not available to and generally not feasible in mountainous terrain. Private septic systems require disturbance of hazardous geology, construction in poor soils, and leaching into underground drainage flows which may cause health hazards down slope.

Infrastructure - Roads. There are several aspects of roads which are of concern in mountain area planning. Roads are difficult to engineer in mountainous terrain, and the cutting and filling required disturbs the already hazardous geology of the area. Road cuts divert and concentrate drainage on sensitive slopes, increasing hazards of erosion and land slides. Maintenance of roads is more expensive in mountainous terrain, especially for snow removal. Road cuts on mountain slopes require removal of vegetation and exposing of underlying rock that leaves highly visible disturbance to the natural viewscape. Existing roads leading into mountain areas are often of limited capacity for further development. Other aspects of roads are considered under access below.

Access. Existing access to mountain areas is often limited and constrained by road width. Public fire and emergency access is often constrained by narrow road width, excessive slope of roads, sharp cut-back curves, and remoteness of developed sites. Access to development parcels for construction and for driveways is often constrained on slopes perpendicular to main access roads. Although lowland road engineering design standards may be relaxed in mountainous terrain, construction of new roads often pushes the limits of reasonable access standards for slope and curve of roads. The frequent choice of private roads in mountainous terrain often poses problems of long term maintenance and limits to access for public services such as school buses.

Fire Hazard. Fire hazard is increased with introduction of development and other human activity into forested mountain areas. Remoteness of sites and limitation of both access and infrastructure capacity makes fire response difficult. Sloping land tends to intensify spread of fire due to generally higher winds and upslope drafts.

Natural Qualities. The mountains provide natural habitat for many species of plants and animals, particularly the bear population which ranges from the Great Smoky Mountains National Park over to the foot slopes of Chilhowee Mountain.

Aesthetics. The Chilhowee Mountain range provides a very important component of the mountain viewscape for most lowland development in the county. Chilhowee Mountain and other mountains in the county provide a very important viewscape not only for residents in the coves and hollows of the mountains, but also for the tourist industry in the county. Natural and uninterrupted ridgetops and uninterrupted steep side slopes of mountains are an especially important component of county viewscales.

Recreation/Open Space Values. Mountains have traditionally been a rural recreational resource for hiking, camping, nature observation and hunting. Open space is often lost to functional use due to fragmentation of parcels with development of mountains.

Historic Development. Any planning for mountain development should consider existing, historical development patterns which have generally not intruded onto steep slopes. Traditional values of contiguous, extended family homesites are common in the community and should be accommodated whenever possible. Existing parcels with formal plans, developed infrastructure, and intended for immediate development should be accommodated whenever possible.

AGENDA
BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING
TUESDAY, NOVEMBER 6, 2012, 6:30 P.M.
Room 430, Blount County Courthouse

A. ROLL CALL.

B. PUBLIC INPUT ON ITEMS ON THE AGENDA.

C. APPROVAL OF AGENDA COMMITTEE MINUTES:

1. October 9, 2012 meeting.

D. SETTING OF AGENDA.

E. ITEMS FOR CONSENT CALENDAR.

1. Resolutions for special recognitions:
2. Appointments:
 - a. Planning Commission – Jerry Roddy, Clifford Walker, Tom Hodge, Ron French. (County Mayor)
 - b. Blount County Public Records Commission – Ron French. (County Mayor)
 - c. Blount Memorial Hospital Board – Clarence Williams, Susan Keller. (County Mayor)

F. UNFINISHED BUSINESS.

1. A resolution adopting regulations to protect water quality in the urbanized area of Blount County, by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation. (Gerald Kirby)

G. NEW BUSINESS:

1. Budget transfers.
2. Budget increases.
3. Other budget items:
4. Presentation at the November 15, 2012, Commission Meeting by Blount County Schools Director Rob Britt. (Ron French)
5. A Resolution to amend the zoning resolution of Blount County, Tennessee, amending Sections 7.3, 7.11.A., 9.3.G., 9.3.F., and adding a new section 9.3.I., addressing ridge-top and hillside development in the R-2 Zone. (Gordon Wright)
6. A resolution authorizing an animal transfer agreement and the Blount County Mayor to enter into agreement with various animal rescue entities for the purpose of transferring animals from the Blount County Animal Center to various animal rescue entities. (Steve Samples)
7. Setting of Public Hearing. (Gordon Wright)
 - a. A resolution to amend the zoning resolution of Blount County, Tennessee, by adding a new section 7.18 design standards for commercial campgrounds and recreational vehicle parks, amend sections 9.1B, 9.2B, 9.3B., to include commercial campgrounds and recreational vehicle parks, and amend section 13 to include definitions, for camping cabins and commercial campgrounds.
8. Report regarding Laurel Lake. (Information Only) (Gordon Wright)

H. PUBLIC INPUT ON ITEMS NOT ON THE AGENDA.

I. ADJOURNMENT.



**STATE OF TENNESSEE
COUNTY OF BLOUNT**

BE IT REMEMBERED that a meeting of the Agenda Committee of the Blount County Board of Commissioners was held on Tuesday, October 09, 2012 at 6:30 pm at the courthouse in Maryville, Tennessee.

Roll call was taken by Roy Crawford, Jr., County Clerk:

Tonya Burchfield - present	Roy Gamble - present	Peggy Lambert - present
Tab Burkhalter - present	Tom Greene - present	Mike Lewis - absent
Rick Carver - present	Brad Harrison - absent	Kenneth Melton - present
Mike Caylor - present	Mark Hasty - present	Jerome Moon - present
Gary Farmer - present	Scott Helton - present	Monika Murrell - present
Jim Folts - present	Gerald Kirby - present	Steve Samples - present
Ron French - present	Holden Lail - absent	Gordon Wright - present

There were 18 present and 3 absent. Chairman Burkhalter declared a quorum to exist. The following proceedings were held to-wit:

IN RE: MINUTES OF SEPTEMBER 11, 2012 MEETING.

Commissioner Lambert made a motion to approve the minutes. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: SETTING OF AGENDA.

Commissioner Lambert made a motion to set the agenda. Commissioner Moon seconded the motion.

Commissioner Samples made a motion to suspend the rules to allow the introduction of an item not on the agenda. Commissioner French seconded the motion.

A vote was taken on the motion:

Burchfield - no	French - yes	Kirby - no	Murrell - yes
Burkhalter - abstain	Gamble - yes	Lail - absent	Samples - yes
Carver - no	Greene - yes	Lambert - yes	Wright - yes
Caylor - no	Harrison - absent	Lewis - absent	
Farmer - abstain	Hasty - no	Melton - yes	
Folts - yes	Helton - no	Moon - abstain	

There were 9 voting yes, 6 voting no, 3 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have failed.

A vote was taken on the original motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: APPOINTMENT TO LITTLE TENNESSEE VALLEY EDUCATION COOPERATIVE BOARD.

Commissioner Farmer made a motion to send the reappointment of Holden Lail to the Little Tennessee Valley Education Cooperative Board to the agenda of the October County Commission meeting. Commissioner Moon seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: APPOINTMENT TO SMOKY MOUNTAIN TOURISM DEVELOPMENT AUTHORITY.

Commissioner Farmer made a motion to send the appointment of Dr. William T. Bogart to the Smoky Mountain Tourism Development Authority to the agenda of the October County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: BUDGET TRANSFER - GENERAL PURPOSE SCHOOL FUND - \$46,700.00.

Commissioner Farmer made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION TO AMEND HIGHWAY FUND - \$250,000.00.

Commissioner Farmer made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$18,267.00.

Commissioner Lambert made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$12,000.00.

Commissioner Moon made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Farmer seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$255,886.00.

Commissioner Helton made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - abstain	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 16 voting yes, 1 voting no, 1 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, BY AMENDING SECTION 7.5 I.4 TO PERMIT AND REGULATE ELECTRONIC MESSAGE CENTERS WITHIN THE COMMERCIAL ZONE, AND AMEND SECTION 13 TO INCLUDE A DEFINITION FOR ELECTRONIC MESSAGE CENTERS SIGN.

Commissioner Kirby made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - no	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: SETTING OF PUBLIC HEARING FOR 6:30 PM, NOVEMBER 6, 2012, REGARDING AMENDMENTS TO THE ZONING REGULATIONS REGARDING RIDGE-TOP AND HILLSIDE REGULATIONS.

Commissioner Lambert made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Wright seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: ALLOCATION OF SPACE REQUEST FOR JUVENILE COURT.

Commissioner Moon made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION ADOPTING REGULATIONS TO PROTECT WATER QUALITY IN THE URBANIZED AREAS OF BLOUNT COUNTY, BY PROHIBITING, SUPPRESSING, AND PREVENTING THE CONTAMINATION OF STORM WATER BY GRADING, EROSION, AND SEDIMENTATION.

Commissioner Kirby made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Lambert seconded the motion.

Commissioner Moon made a motion to move the resolution to the November Agenda Committee agenda pending legal review. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - no	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: RESOLUTION TO DISCHARGE CERTAIN COMMITTEES.

Commissioner Farmer made a motion to send the item to the agenda of the October County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - absent	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the motion to have passed.

IN RE: ADJOURNMENT.

Chairman Burkhalter declared the meeting to be adjourned.



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Board of Commissioners

FROM: Ed Mitchell, County Mayor

RE: Recommendation for the Planning Commission

DATE: October 31, 2012

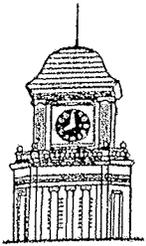
For the consideration of the full commission, I am submitting my recommendation of the following names for re-appointment on the Blount County Planning Commission:

Jerry Roddy, Re-appointment, term to expire 11/2016

Clifford Walker, Re-appointment, term to expire 11/2016

Tom Hodge, Re-appointment, term to expire 12/2016

Ron French, Commissioner, to fill vacancy left by Monika Murrell's resignation,
Co-Term



MONIKA MURRELL
Blount County Commissioner
District 9 - Seat B
4710 N. Wildwood Road, Maryville, TN 37804



September 11, 2012

The Honorable Ed Mitchell
Blount County Mayor
341 Court Street
Maryville, TN 37804

Dear Mayor Mitchell:

It has been a privilege to serve on the Blount County Planning Commission. However, due to personal reasons, I feel it is best for me to resign from the Blount County Planning Commission effective October 1, 2012.

Thank you for this opportunity to serve Blount County.

Sincerely,

A handwritten signature in cursive script that reads "Monika Murrell".

Monika Murrell
Blount County Commissioner
District 9 - Seat B

MM/rp

c: John Lamb, Blount County Planning Director
Blount County Board of Commissioners



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Commissioners

FROM: Ed Mitchell, County Mayor 

RE: Recommendations for Records Management Committee

DATE: October 31, 2012

For the consideration of the full commission, I am submitting my recommendation of the following name to be appointed to serve on the Records Management Committee due to the vacancy left due to Monika Murrell's resignation:

Ron French, Commissioner

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Tenn. Code Ann. § 10-7-401 (Copy w/ Cite)

Pages: 2

Tenn. Code Ann. § 10-7-401

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*** CURRENT THROUGH THE 2012 REGULAR SESSION ***

Title 10 Public Libraries, Archives And Records
Chapter 7 Public Records
Part 4 County Public Records Commission

Tenn. Code Ann. § 10-7-401 (2012)

10-7-401. County public records commission created -- Membership.

In order to provide for the orderly disposition of public records created by agencies of county government, the county legislative body shall create within the county a county public records commission, composed of at least six (6) members. The county mayor shall appoint three (3) members and the county legislative body shall confirm each appointee. Of the three (3) appointees, one (1) shall be a member of the county legislative body, one (1) shall be a judge of one of the courts of record which holds court in the county and one (1) shall be a genealogist. The county clerk, or the designee of the county clerk, county register, or the designee of the county register, and the county historian shall be ex officio members of the commission. In counties having a duly appointed county archivist, that person shall also serve as an ex officio member of the commission. Each elected member of the commission shall hold office during the term for which the member was elected to office. If a vacancy occurs in one (1) of the appointed positions, the county mayor shall appoint a person in the same manner as the original appointment.

HISTORY: Acts 1959, ch. 253, § 1; 1965, ch. 316, § 1; 1968, ch. 507, § 1; 1977, ch. 78, § 1; 1977, ch. 486, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 15-501; Acts 1987, ch. 195, § 1; 1994, ch. 884, § 1; 1998, ch. 793, §§ 3, 4; 2002, ch. 606, § 1; 2003, ch. 90, § 2; 2006, ch. 605, § 1.

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Tenn. Code Ann. § 10-7-401 (Copy w/ Cite)

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In

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MONIKA MURRELL
Blount County Commissioner
District 9 - Seat B
4710 N. Wildwood Road, Maryville, TN 37804



September 11, 2012

The Honorable Ed Mitchell
Blount County Mayor
341 Court Street
Maryville, TN 37804

Dear Mayor Mitchell:

It has been a privilege to serve on the Blount County Public Records Commission. However, due to personal reasons, I feel it is best for me to resign from the Blount County Public Records Commission effective October 1, 2012.

Thank you for this opportunity to serve Blount County.

Sincerely,

A handwritten signature in cursive script that reads "Monika Murrell".

Monika Murrell
Blount County Commissioner
District 9 - Seat B

MM/rp

c: Jackie Glenn, Blount County Records Manager and Archivist
Blount County Board of Commissioners



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Board of Commissioners

FROM: Ed Mitchell, County Mayor

RE: Recommendation for Board of Directors of Blount Memorial Hospital

DATE: October 31, 2012

For the consideration of the full commission, I am submitting my recommendation for the re-appointment of the following names to serve three-year terms on the Board of Directors of Blount Memorial Hospital, beginning January 1, 2013:

Mr. Clarence Williams

Ms. Susan Keller

Please see the attached correspondence and resumes.



**Blount Memorial
Hospital**

907 East Lamar Alexander Parkway
Maryville, Tennessee 37804
865-983-7211

October 23, 2012

The Honorable Ed Mitchell
Mayor of Blount County
341 Court Street
Maryville, TN 37804

Dear Mayor Mitchell:

As chairman of the Blount Memorial Hospital Board Nominating Committee, I am pleased to request that the Blount County Commission approve Ms. Susan Keller and Mr. Clarence Williams for new three-year terms on the Blount Memorial Hospital Board of Directors.

Earlier this month, the board nominating committee unanimously voted to submit Mr. Williams and Ms. Keller's names to the Commission for approval. These terms would cover the calendar years of 2013, 2014, and 2015.

Ms. Keller and Mr. Williams are both currently on the board and have been excellent board members. Both currently serve on all the board committees: finance, institutional planning, human resources, professional affairs and joint conference committee. Both Mr. Williams and Ms. Keller bring excellent knowledge to the board and have been very active. Enclosed are brief information sheets on Ms. Keller and Mr. Williams.

The nominating committee would appreciate your taking Mr. Williams' and Ms. Keller's nominations through the Commission's process as soon as practical. I would also appreciate your letting me know when the Commission has made its decision.

Thank you for your consideration in this matter,

Sincerely yours,

Robert P. Redwine
Chairman
Board Nominating Committee

kcyj

Enclosures

*Robert Redwine
President of the Board*

*Dr. Ted Flickinger
Vice President of the Board*

*Don Heinemann
Chief Executive Officer*

Medical Staff

*Dr. John Niethammer
Chief of Staff*

*Dr. Teresa Catron
Vice Chief of Staff*

*Dr. Julie Turner
Secretary/Treasurer*

*Dr. Deaver Shattuck
Immediate Past Chief of Staff*

ED —
THANKS FOR THE
JOB YOU ARE DOING!
RPR

SUSAN HITCH KELLER
1565 E. Brown School Rd.
Maryville, TN 37804

EMPLOYMENT: Kelmont Farms Inc.

EDUCATION:

HIGH SCHOOL: Porter High School - 1962

COLLEGE: U.T. Knoxville - B.S. - 1966

PROFESSIONAL
MEMBERSHIPS:

Farm Bureau
Tennessee Soybean Association
U.T. Institute of Agriculture & Natural Sciences
Eastern Regional Advisory Committee

COMMUNITY ACTIVITIES:

New Providence Presbyterian Church
Church School Teacher
Leadership Blount
Vocational Education Advisory Committee
Blount Memorial Hospital Board

HOBBIES AND SPECIAL
INTERESTS:

Reading, Sewing, Gardening

CLARENCE B. WILLIAMS

Before retiring from the Tennessee Valley Authority in 2005, Clarence B. Williams was the Director of Equal Opportunity Compliance where he was employed for 24 years. He was responsible for the impartial processing of TVA's equal opportunity complaints.

Williams has 32 years experience in the equal opportunity arena with TVA, the Department of Energy, and the Department of Labor. His experience includes positions as a summer intern with Union Carbide from 1968 through 1971. From 1972 through 1980 he was employed as Facility Compliance Officer with the Atomic Energy Commission; Facility Compliance Officer with the U.S. Energy Research and Development Administration; Senior Compliance Officer, Acting Branch Chief, and Acting Regional Director for the U.S. Department of Energy; and Supervisor, and Acting Director with the U.S. Department of Labor, Office of Federal Contract Compliance Program in Tennessee.

He is a graduate of the University of Tennessee with additional studies and training at the University of Michigan, Harvard University, the University of Tennessee, Bowie State University, National Training Laboratory, the Center for Creative Leadership, The Justice Center of Atlanta, as well as other professional development and training. He is also a trained and experienced mediator in workplace disputes.

He has served on the Board of Directors of the Blount County Affiliate of Habitat for Humanity and on the board of directors of Child and Family Services of Tennessee. Presently, he sits on the Alcoa Regional Planning Commission as Vice Chairman, the Advisory Board for First Tennessee Bank and the Advisory Board for the Frank H. McClung Museum at The University of Tennessee.

CRAIG L. GARRETT

ATTORNEY AT LAW, PLLC

607 SMITHVIEW DRIVE
MARYVILLE, TENNESSEE 37803

PHONE: 865-984-8200
FAX: 865-981-2833

M E M O R A N D U M

TO: BLOUNT COUNTY BOARD OF COMMISSIONERS

CC: HONORABLE ED MITCHELL, BLOUNT COUNTY MAYOR

FROM: CRAIG L. GARRETT, BLOUNT COUNTY ATTORNEY

RE: PROPOSED REVISED SEDIMENT AND EROSION CONTROL
RESOLUTION

DATE: OCTOBER 30, 2012

Members of the Commission:

This resolution was referred to me for the evaluation and my opinion as to its legality and necessity at the October meeting. I have carefully reviewed the resolution and the proposed changes that it makes to our existing stormwater regulations. Set forth below is my legal analysis.

The first thing to understand about this entire procedure is that the federal government has mandated that the states, through their counties and municipalities, are required to regulate runoff water that is entering waterbodies from storm sewer systems, construction sites and industrial sources. The federal government has enacted several laws addressing the quality of waters in the United States beginning with the Water Quality Act of 1977. After that was the Water Quality Act of 1987. The Environmental Protection Agency's Stormwater Management Program recommended rules and regulations for states and their counties and municipalities requiring them to address and regulate their runoff entering waterbodies in this country. The

Water Quality Act was amended pursuant to those rules and regulations, and the Environmental Protection Agency (EPA) created the National Pollutant Discharge Elimination System (NPDES) Stormwater Program.

These regulations began in 1990 with the Stormwater Phase I regulations which dealt with medium and large municipal populations of 100,000 or greater, construction activity disturbing five (5) acres of land or more, and ten (10) specific categories of industrial activity. Phase II of the program was implemented to expand Phase I by acquiring additional governmental entities to implement programs and practices to control polluted runoff by using NPDES permits. It was the Phase II of these regulations that expanded it to include smaller governmental entities, that would include Blount County and specifically, the area identified as an “urbanized area”. The Phase II regulations also required governmental entities to regulate operators of small construction activity that disturbed from one (1) to five (5) acres of land.

To comply with the federal mandates described above, Tennessee implemented a series of statutes found at T.C.A. §68-221-1101 through §68-221-1113 entitled “Stormwater Management”. The specific purpose of this legislation was to facilitate compliance by the states and municipalities (which by definition includes counties) with the Water Quality Act of 1977 and the regulations arising from the Water Quality Act of 1987. It is very clear that what we are dealing with is a mandate from the federal government for the states to take certain actions to regulate water runoff. The states have passed on the responsibility of this regulation to various cities and counties by way of the above-described statutes. I find it interesting to note that our legislature wanted it to be clear that we are dealing with a mandate from the federal government when the enacted T.C.A. §68-221-1112 entitled “Bills; Notice” which requires that any bill passed as a result of this part would contain in bold print the following statement: “This fee has been mandated by Congress.”

To comply with the mandates of federal and state law, the County Commission has previously approved a resolution that implemented the state and federal regulations dealing with sediment and erosion control. The initial version was adopted in 2004 pursuant to Phase II of the federal regulations and was amended in 2009.

The current proposed amendment again makes modifications to our sediment and erosion control resolution and all of the amendments set forth therein come from Tennessee Department of Environment and Conservation (TDEC). As with the previous amendments to this resolution,

the current amendments are only required because TDEC has recently updated their general permit requirements to comply with federal law. When TDEC adopts requirements, they pass that on to the cities and counties and, in essence, require us to implement them. The enabling legislation, and particularly, T.C.A. §68-221-1111 provides that all governmental entities dealing with the stormwater regulations, shall be subject to regulation and oversight by TDEC.

Based on the structure of both federal and state law, we are not only authorized to implement these amendments to our resolution, but in essence, are required by federal and state mandate to implement the amendments. It is my understanding that there is some sentiment that these regulations are too strict and possibly overly broad in the opinion of some citizens of this county. Unfortunately, there is not much that you as a legislative body can do to modify or change these amendments. Each time these regulations are amended by the state, the state always provides adequate time for public input and hearing and it would be my recommendation to any citizens aggrieved by these amendments to let them know that they need to be in touch with their state representatives when this issue comes to us again via the State of Tennessee.

In reviewing this matter, I have also determined that the County would be subject to financial penalty from TDEC in the event that we do not comply with their recommended amendments and I certainly recommend that we do comply.

In summary, the approval of this resolution amending our resolution to comply with the state mandates is a formality with which we have to comply. If we fail to approve the amendments or modify them such that they are inconsistent with the state's adopted amendments to their general permit requirements, we will have difficulty with TDEC and be subjected to fines or other monetary penalty.

If you have any further questions, feel free to let me know. I will be glad to try to provide additional information.



BLOUNT COUNTY GOVERNMENT

STORMWATER DEPARTMENT

1221 McArthur Road
Maryville, TN 37804
Phone: 865-681-9301 Fax: 865-681-9502

MEMO

TO: Blount County Commission
FROM: Justin Teague, Stormwater Program Coordinator
DATE: October 31, 2012
RE: Agenda Item: Proposed Revised Sediment and Erosion Control Resolution

I. As per the Commission's request, the State requirements can be found below in **II** and the definition of an urbanized area can be found below in **III**. Attached to this memo is a clean copy and marked-up copy of the proposed resolution, the County attorney's review of the resolution with the requirements, and a map showing the urbanized area of Blount County as per the 2010 Census.

Please consider the attached resolution for adoption during the November Commission Meeting. This resolution allows the Blount County Stormwater Department the ability to require engineering plans, issue grading permits, and inspect construction sites disturbing one or more acres within the urbanized areas of Blount County (agriculture practices are exempt). Blount County previously adopted the first draft of this resolution in 2004 and an amended version in 2009. This resolution is required by TDEC to be adopted by November 24, 2012.

Blount County is required to amend the existing Sediment and Erosion Control Resolution as per Tennessee Department of Environment and Conservation (TDEC) requirements for Phase II Small Municipal Separate Storm Sewer Systems (MS4). TDEC has recently adopted their new NPDES General Permit for construction activity. Therefore, Blount County is required to amend our Sediment and Erosion Control Resolution to meet TDEC's current permit standards.

II. The TDEC permit language requiring the amendment of this resolution is below:

Small MS4 General NPDES Permit

4.2.4. Construction Site Stormwater Runoff Control

a. An ordinance or other regulatory mechanism to require erosion prevention and sediment controls, as well as sanctions to ensure compliance. The ordinance must allow for the maximum penalties per day for each day of violation as specified in TCA 68-221-1106. Modifications to ordinances or other regulatory mechanisms for construction site runoff control program to be consistent with requirements of the current NPDES general permit for construction stormwater runoff must be implemented within 18 months of coverage under this permit. Permit coverage began May 2011.

The state permit can be found at link below:

http://www.tn.gov/environment/wpc/stormh2o/finals/tns000000_ms4_phase_ii_2010.pdf

III. Definition of Urbanized Area: An *urbanized area* is a land area comprising one or more places — central place(s) — and the adjacent densely settled surrounding area — urban fringe — that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/resources/fact22.pdf>

IV. The County attorney and TDEC staff have reviewed the proposed amended resolution as per the Commission's request. The County attorney's comments are attached.

V. The amendments to the proposed resolution are listed below in a summary. The existing resolution adopted in 2009 can be viewed for comparison at:

<http://www.blounttn.org/Stormwater/FINAL%20REVISED%20ADOPTED%20EROSION%20CONTROL%20RESOLUTION.pdf>.

Proposed Sediment and Erosion Control Resolution Changes:

Page 3, Sec. 2: Added definition: L. Exception Tennessee Waters

Page 3, Sec. 2: Added definition: U. Impaired Waters

Page 5, Sec. 2: Added definition: PP. Urbanized Area

Page 6, Sec. 4: Added: Further defined land-disturbing activity

Page 6, Sec. 4: Added: Further defined project size

Page 8, Sec. 6: Added: Who can prepare a formal plan

Page 9, Sec. 6 a & b: Added: Updated formal plan requirements

Page 10, Sec. 6: Added: Defined construction phasing

Page 11, Sec. 7: Added: Proper posting and access to grading permit and related paperwork

Page 15, Sec. 9, F: Added: Further defined establishment of permanent vegetation

Page 16, Sec. 9, K: Added: Steep slope stabilization guideline

Page 17, Sec. 9, S: Added: Further defined responsible person certification

Page 18, Sec. 9, U: Added: Site Assessment requirement for contractor

Page 18, Sec. 9, X: Amended: Construction buffer requirements

Page 19, Sec. 9, Z: Added: Dewatering criteria for construction ponds, trenches, excavations, etc.

Page 19, Sec. 9, AA: Added: Engineering design plans for discharges into impaired or exceptional waters

I can be reached at (865)681-9301 or jteague@blounttn.org with any questions or comments you may have in regard to the changes to the existing resolution.

Sincerely,

Justin M. Teague
Blount County Stormwater Program Coordinator

RESOLUTION NO. 12-11-004

RESOLUTION SPONSORS: COMMISSIONERS GERALD KIRBY AND MIKE CAYLOR

A RESOLUTION ADOPTING REGULATIONS TO PROTECT WATER QUALITY IN THE URBANIZED AREA OF BLOUNT COUNTY BY PROHIBITING, SUPPRESSING, AND PREVENTING THE CONTAMINATION OF STORM WATER BY GRADING, EROSION, AND SEDIMENTATION.

WHEREAS, Tenn. Code Ann. § 5-1-118© authorizes counties, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, to exercise those powers granted to all or certain municipalities by Tenn. Code Ann. § 6-2-201(22) and (23), with specified exceptions; and

WHEREAS, on September 21, 2000, the Board of County Commissioners of Blount County, Tennessee, by a vote of 20 in favor, 0 opposed, and 1 absent adopted Resolution No. 00-09-01 authorizing Blount County to exercise said powers granted to all or certain municipalities; and

WHEREAS, upon the adoption of said Resolution No. 00-09-01 and pursuant to Tenn. Code Ann. § 6-2-201(22), Blount County became authorized to define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to unincorporated areas of the county and to exercise general police powers; and

WHEREAS, Tenn. Code Ann. § 68-221-1101-1106 authorizes counties to adopt regulations for storm water discharges and contaminates in order to protect water quality in their respective unincorporated areas; and

WHEREAS, on March 19, 2009, the Board of County Commissioners of Blount County, Tennessee, adopted an amended Resolution No. 09-03-004 authorizing Blount County to exercise said powers granted within the urbanized areas of Blount County; and

WHEREAS, pursuant to the authority of Tenn. Code Ann. § 5-1-118(c), 6-2-201(22) and 68-221-1101-1106 and Resolution No. 00-09-01, Blount County desires to revise the previously adopted regulations hereinafter set forth to protect water quality in the urbanized area by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 15th day of November, 2012, that the following regulations to protect water quality in the urbanized area by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation are hereby adopted to wit:

Section 1. Rules applying to resolution. For the purpose of this resolution, certain rules of construction shall apply as follows:

- A. Words used in the present tense shall include the future tense, and the singular includes the plural, unless otherwise indicated in the text.
- B. The terms "shall" and "must" are always mandatory and not discretionary; the words "may" and "should" are permissive.
- C. Except as herein provided, all words used in this resolution shall have their common dictionary definition.

Section 2. Definitions.

- A. "Applicant." Person submitting the application for a grading permit. Typically, this is the owner or developer of the land-disturbing activity.
- B. "Blount County Board of Zoning Appeals." The body which has the authority to hear appeals by any person (see *infra* definition Y) or permit holder who has been assessed a civil penalty under the provisions of this resolution, or by any person who has been denied a grading permit under the provisions of this resolution, or by any person who has been aggrieved by any decision or interpretation of the provisions of this resolution by the Inspector.
- C. "Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.
- D. "County." Blount County, Tennessee.
- E. "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.
- F. "Developer." The person (see *infra* definition Y) authorized to carry out the development of land.
- G. "Development." The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved land or other similar activities when not excluded by exemptions from this resolution.
- H. "Drainage structure." A device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point of storm water management drainage control or flood control purposes.

- I. "Erosion." The wearing away of land by action of wind, water, ice, or gravity.
- J. "Erosion and sediment control plan." A plan for the control of erosion and sediment resulting from land-disturbing activity (*see infra* definition U). The plan shall be reviewed and approved before a grading permit may be issued. *See* "final plan," *infra* definition O. The plan may be included as part of a preliminary plan required by any Blount County resolution or regulation, including zoning, building codes and safety, subdivision regulations, or a separate plan following the specifications set out in this resolution.
- K. "Excavation." *See* "cut," *supra* definition E.
- L. "Exceptional Tennessee waters." Are surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed in Chapter 1200-4-3-.06 of the official compilation – Rules and Regulations of the State of Tennessee.
- M. "Existing grade." The slope or elevation of existing land surface prior to cutting or filling.
- N. "Fill." Portion of surface or area of land to which soil, rock or other materials have been or will be added; height above original land surface after the material has been or will be added.
- O. "Final grade." The final slope or elevation of land surface after cutting or filling and conforming to the final plan (*see infra* definition O).
- P. "Final plan." The approved erosion and sediment control plan. The final plan may differ from the submitted erosion and sediment control plan if adjustments or amendments are required by the Inspector.
- Q. "Finished grade." *See* "final grade," *supra* definition N.
- R. "Formal plan." An erosion and sediment control plan required for land-disturbing activity equal to or greater than one (1) acre in size.
- S. "Grading." Any operation or occurrence by which the existing elevations of land are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed or any water course or body of water, either natural or man-made, is relocated thereby creating an unprotected area. "Grading" shall be synonymous with "land-disturbing activity" (*see infra* definition U).
- T. "Grading permit." A permit issued by the Inspector to authorize grading (*see supra* definition R) to be performed under the provisions of this resolution.
- U. "Impaired Waters." Means any segments of surface waters that has been identified by Tennessee Department of Environment and Conservation (TDEC) as

failing to support one or more classified uses.

V. "Inspector." The person designated by the County Mayor as the Storm Water Administrator, or his/her designee, who shall issue grading permits and carry out inspections and enforcement as provided hereunder.

W. "Land-disturbing activity." Any activity on land that may result in soil erosion and/or movement of sediment. Land disturbing activities include, but are not limited to, development, re-development, construction, re-construction, clearing, grading, excavating, demolition of structures, landscaping, transporting and filling.

X. "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

Y. "NPDES." National Pollutant Discharge Elimination System.

Z. "Owner." The legal owner of land at the time of application for a grading permit. The person ultimately responsible for adhering to the provisions of this resolution.

AA. "Person." Any and all persons, natural or artificial, including any individual, firm, partnership, entity, or association, and any municipal or private corporation organized or existing under the laws of this or any other state.

BB. "Priority construction activity." Any land-disturbing activity that is one (1) acre or greater that discharges into, or upstream of, waters the State of Tennessee recognizes as impaired for siltation or high quality waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the Inspector, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.

CC. "Project." The entire proposed development regardless of the size of the area of land to be disturbed.

DD. "Redevelopment." The improvement of a lot or lots that have been previously developed.

EE. "Responsible person." A specific individual designated to be responsible for erosion and sediment control practices and maintenance of same on each site where land-disturbing activity takes place.

FF. "Sediment." Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

GG. "Sedimentation." The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

HH. "Sediment basin, trap, barrier or perimeter dike." A barrier or dam built across a waterway or water course, or at other locations, to retain sediment.

II. "Slope." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

JJ. "Soil stabilization." Measures which protect soil from erosion.

KK. "Stabilizing slopes." The utilization of adequate structural and/or vegetative erosion and sediment control practices (see *infra* definitions MM and QQ) for preventing erosion from occurring on an incline.

LL. "Waters of the state." Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters. These waters include, but are not limited to the following: rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, and wells.

MM. "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

NN. "Structural erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of land or storing, regulating, or disposing of runoff to prevent excess sediment loss. Examples are silt fence, structural diversions, grade stabilization structures, sediments traps and land grading, etc. Such measures can be found in the publication Tennessee Erosion and Sediment Control Handbook, latest edition.

OO. "Unstable." The tendency for land surface to change due to lack of structural and/or vegetative erosion and sediment control (see *infra* definitions MM and QQ) support.

PP. "Urbanized Area." A land area comprising one or more places — central place(s) — and the adjacent densely settled surrounding area — urban fringe — that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as per the U.S. Census Bureau.

QQ. "Variance." A grant of relief from the requirements of this resolution that permits construction or activity in a manner otherwise prohibited by this resolution where strict enforcement would result in unnecessary hardship.

RR. "Vegetative buffer." The area of land adjacent to waters of the state in a condition of vegetation which facilitates the protection of water quality and aquatic habitat.

SS. "Vegetative erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with turf or perennial sod-forming grass.

TT. "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a defined channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Section 3. Existing eroding areas. Upon written notification from the Inspector, the owner of land which exhibits unstable or eroding soil conditions shall correct such conditions within thirty (30) calendar days. The Inspector may extend this period upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the Inspector to determine an acceptable method of correction.

Section 4. Grading permit required. Except as provided in Section 5, no person shall engage in any land-disturbing activity, including but not limited to clearing, grading, filling and excavating, within the urbanized area of Blount County without obtaining a grading permit issued by the Inspector in accordance with the requirements set forth below:

Any development or redevelopment that will result in a land-disturbing activity equal to or greater than one (1) acre in size or a project or development of less than one (1) acre of land disturbance, but if the construction activities are part of a larger common plan of development or sale that comprise at least one (1) acre of land disturbance requires:

1. Application with two (2) copies of legible engineering drawings of a formal plan
2. Appropriate fee
3. Engineering review by the Inspector and/or County Engineer
4. Site inspection
5. Grading permit
6. Ongoing (monthly at a minimum) and final inspection
7. After final inspection and permit compliance, certificate of completion from the Stormwater Department.

All development activities which require right-of-way cuts or excavation within the development site and shown on a formal plan shall be subject to all applicable fees. Grading activities which involve no construction or right-of-way

cuts shall be subject to the grading permit fee schedule only.

All exceptions to this resolution which are outlined in Section 5 will be required to use, maintain and follow the minimum requirements for controlling erosion and sediment set forth in Section 9. If unstable or eroding soil conditions exist during land-disturbing activities exempted in Section 5, then Section 3 shall prevail.

The person engaging in land-disturbing activities not exempted in Section 5 of this resolution must obtain from the Tennessee Department of Environment and Conservation (TDEC) a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, or documentation that the land-disturbing activity does not require coverage under the State permit, prior to obtaining a grading permit. A copy of the NOC and the associated Stormwater Pollution Prevention Plan (SWPPP) or documentation that the site does not require coverage under the State permit must be submitted with the formal plan.

Section 5. Exemptions. Grading permits shall not be required for the following types of land-disturbing activity:

A. Installation, maintenance and repair of any underground public utility line when such activity has a land-disturbance less than one (1) acre, occurs on an existing right-of-way, and a cut or excavation permit has been obtained from the Blount County Road Superintendent, unless the activity is within fifty (50) feet of any waters of the state, in which event a grading permit is required.

B. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.

C. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices, and forestry land management practices including harvesting.

D. Emergency work to protect life or property. Upon completion of emergency work, the disturbed area shall be shaped and stabilized in accordance with this resolution. The Inspector must be notified of the incident within seventy-two (72) hours thereof.

The owner or developer whose land-disturbing activity has been exempted from the requirements for a grading permit shall nevertheless be responsible for otherwise conducting such activity in accordance with the provisions of this resolution and other applicable laws including responsibility for controlling erosion, sedimentation, and runoff.

Section 6. Application and plan review. No grading permit shall be issued until a formal plan has been approved by the Inspector. Such plan shall

comply, at a minimum, with the requirements set forth in Section 9 of this resolution.

All applications for grading permits shall be filed with the Inspector at least ten (10) days prior to the commencement of the proposed land-disturbing activity. All applications shall include a formal plan.

Formal plan. No person shall initiate land-disturbing activity equal to or greater than one (1) acre (43, 560 ft²) in size unless a formal erosion and sediment control plan for such activity is filed with and approved by the Inspector. Any formal plan shall require a pre-construction conference. The formal plan shall include, but not be limited to, the following:

1. Property boundaries
2. Two (2) ft. topographic contours – existing and proposed for slopes greater than fifteen percent (15%) or five (5) ft. intervals may be allowed
3. Site conditions prior to development and as they will be upon completion of the development
4. Proposed final groundcover within disturbed areas
5. All structural and/or vegetative erosion and sediment control practices proposed to be installed
6. Finished elevations of buildings, streets, roads, drives, stormwater utilities, sanitary sewer utilities and other related appurtenances within the proposed development
7. Volumetric and velocity rates of stormwater runoff
8. Watercourses, sinkholes, bodies of water and other similar features affecting runoff on or adjacent to the proposed development
9. Stream designated as impaired by the state's most current 303(d) report
10. Indication of fill material used or deposited and where it is located
11. Name, address and telephone number of the owner or developer of the land
12. Brief project description
13. Clearing and grading limits
14. Location of existing trees
15. Trees to be removed
16. Location of site relevant to highways, municipalities, or other prominent landmarks
17. Recognition of priority construction activity if applicable
18. TDEC Level 1 certification - Fundamentals of Erosion Prevention and Sediment Control Workshop as of June 17, 2007

All formal plans shall be prepared by a licensed, qualified professional engineer or landscape architect and shall include a time schedule for completion and periodic maintenance after completion, details of structural and/or vegetative erosion and sediment control practices, daily clean-up and site control practices and any other information needed to accurately depict erosion and sediment control

practices unique to the development. Additionally, any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of the land-disturbing activities (if any) shall be identified in the formal plan. If such species are identified in the formal plan or by the county, then the formal plan shall also include written documentation from the United State Fish and Wildlife Service that indicates:

- (a) approval of the best management practices (BMPs) that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical habitat. Said BMPs shall also be included on the formal plan; or,
- (b) a finding of no potential impact as a result of the proposed land-disturbing activity.

Formal plans should be prepared to meet the Tennessee Construction General Permit, latest edition, requirements. These requirements include, but are not limited to the following:

- (a) Necessity of an erosion prevention and sediment control/pollution prevention plan. The plan shall include the following items: site description, description of stormwater runoff controls, erosion prevention and sediment controls, stormwater management, description of other items needing control, maintenance, inspections, pollution prevention measures for non-stormwater discharges, and documentation of permit eligibility related to Total Maximum Daily Loads (TMDL).
- (b) Erosion and sediment control measures shall be designed in accordance with good engineering practices and the latest edition of the Tennessee Erosion and Sediment Control Handbook. The measures shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html.
- (c) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site.

The Inspector shall review all formal plans with necessary staff and make a determination with respect to the sufficiency thereof within ten (10) working days from submittal of the plan. If a plan is determined insufficient, the Inspector shall inform the owner or developer of the plan's deficiencies by written notification. The applicant shall then revise the plan to comply with this resolution and submit a revised plan to the Inspector, or the applicant may submit documentation to substantiate the validity of the original plan. If the Inspector finds corrections and additions to the plan acceptable, the Inspector will then notify the applicant of

approval and a grading permit shall be issued. Grading permits shall expire one (1) year from the date of issuance unless extended by the Inspector. After one (1) year, the grading permit will become null and void and the plan must be resubmitted for approval.

The inspector may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed erosion prevention and sediment control measures.

Attendance at a pre-construction meeting with the inspector and other associated county departments prior to issuance of a grading permit is required for owners and developers of developments and redevelopments that will be engaging in land-disturbing activity equal to or greater than one (1) acre in size and/or a priority construction activity, as defined in this resolution.

If the land is to be developed in phases, with final plat approval at the end of each construction phase, then a separate grading permit shall be required for each phase. Construction phasing is required to keep the total disturbed area less than fifty (50) acres at any one time for a project. No more than fifty (50) acres of active soil disturbance is allowed at any time during the construction project. If no final plat approval is requested for phased projects totaling more than fifty (50) acres of soil disturbance, then separate grading permits are not required for each individual phase.

A grading permit issued by the Inspector may specify any condition under which the land-disturbing activity shall be undertaken. The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity. The issuance of a grading permit does not relieve the permit holder of any obligation or responsibility of complying with the provisions of any other law or rules and regulations of any federal, state or additional local authority.

Section 7. Inspection and enforcement.

A. After the grading permit is issued, the Inspector shall inspect the site to determine whether structural and/or vegetative erosion and sediment control practices have been installed according to the formal plan submitted, and whether the practices are adequate for erosion and sediment control and are otherwise in compliance with this resolution.

For applications submitted with a formal plan, if the site inspection indicates the structural and/or vegetative erosion and sediment control practices have been installed according to the plan submitted and if the technical review of the plan by the Inspector indicates compliance with this resolution, the Inspector shall allow work to commence.

B. The requirements of this resolution shall be enforced by the Inspector, who shall inspect the work, grading or construction involved. If the Inspector finds any person has engaged in land disturbing activity without having obtained a required

grading permit, the following shall occur:

1. First offense - A stop work order and a notice of violation shall be issued by the Inspector.
2. If work continues - Assessment of a civil penalty by the Inspector for each day work continues without a permit.

C. If the Inspector finds that the grading permit holder has failed to properly install, maintain or use proper structural and/or vegetative erosion and sediment control practices as specified in the final plan, the following shall occur:

1. First offense – Written warning issued by the Inspector (maximum of two (2) days for compliance); if conditions warrant, a stop work order shall be issued immediately by the Inspector.
2. Second offense – Notice of violation issued, issuance of stop work order by the Inspector, suspension of all building until violation corrected, and notification to TDEC of violation.
3. Third offense – Assessment of a civil penalty by the Inspector for each day work continues.
4. Each additional offense – Assessment of a civil penalty by the Inspector for each day work continues and suspension of the issuance of subsequent grading permits.
5. Failure to clean up site – Permit holder liable for three (3) times the cost of clean-up starting with the first offense (see *infra* subsection G).

D. If the Inspector determines that significant erosion and/or sedimentation is occurring on a graded site despite approved structural and/or vegetative erosion and sediment control practices, he shall require the permit holder to take additional corrective action to protect the adversely affected area. The additional corrective action required shall be part of an amended erosion and sediment control plan.

E. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Notice of a stop work order shall be in writing and shall be given by the Inspector to the owner or developer of the land, an agent of the owner or developer or the responsible person or shall be conspicuously posted by the Inspector at the project and shall state the necessary corrective action with a completion date before other activity can resume. Notice given to the owner or developer, an agent of the owner or developer or the responsible person may be given by first class U. S. Mail mailed to the address shown on the application for the grading permit, or if there is no application, to any address known by the Inspector for such owner or developer, agent of the owner or developer or responsible person, and it will be presumed that the notice is received by the addressee if it is not returned to the Inspector by the U. S. Postal Service.

F. All persons conducting land-disturbing activities which requires a grading permit shall keep a copy of the grading permit along with the approved SWPPP at a central location on-site at all times for the use of the inspector and all of those

identified as having responsibilities under the plan whenever they are on the site of the land-disturbing activity. If the site is inactive or does not have an on-site location adequate to store the permit and SWPPP, the location of these documents, along with a contact phone number, shall be posted on-site. If these documents are located off-site, reasonable local access to them, during normal working hours, must be provided.

G. If, upon inspection, the Inspector finds that a person engaged in land-disturbing activity has failed to comply with a final plan and/or this resolution, the Inspector shall serve a written notice to comply upon that person in the same manner as provided in subsection E of this section. The notice shall identify the violation, set forth the corrective action necessary to achieve compliance, and shall state the time within which such corrective action must be complete. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this resolution and in addition to other penalties, shall forfeit any security provided under the provisions of Section 8 of this resolution. The County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity, including clean-up of the site, and bring the site into compliance with this resolution.

H. Any responsible person who receives three (3) related written notices under subsection G of this section will be required to retake the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. If after completing the course, the same person receives another written notice under subsection G of this section within three (3) years of completing the course, subsequent requests for grading permits shall be denied to that person. Such person may appeal the denial of a grading permit to the Blount County Board of Zoning Appeals by requesting a hearing within thirty (30) days of the denial.

I. Any uncovered area existing on the effective date of this resolution which resulted from land-disturbing activity and which is subject to continued accelerated erosion and which is causing off-site damage from sedimentation, shall be provided with structural and/or vegetative erosion and sediment control practices to prevent erosion and control off-site sedimentation.

1. The Inspector shall give a written notice to comply to the owner or developer of land where any such uncovered area existed on the effective date of this resolution in the same manner as provided in subsection E of this section. The notice will set forth the corrective action necessary to achieve compliance with this resolution and shall state the time within which such corrective action must be completed. In determining the structural and/or vegetative erosion and sediment control practices required and the time allowed for compliance, the Inspector shall take into consideration the economic feasibility, technology and quantity of work required and shall set reasonable and attainable time limits for compliance.

2. An erosion and sediment control plan may be required by the

Inspector where extensive structural and/or vegetative erosion and sediment control practices are necessary.

Section 8. Security requirements and fees.

A. Prior to the issuance of a grading permit, the owner or developer may be required to provide security in the form of a cash deposit, letter of credit or other acceptable form of security for the work to be completed or any portion thereof pursuant to the final plan. When reviewing any application for a grading permit, the Inspector shall consider the past record of the applicant in complying with any previous permits and/or this resolution. The Inspector may require the applicant to provide acceptable security in a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof for the proposed land-disturbing activity prior to issuing the permit. If an applicant has had three (3) or more violations of previous permits or this resolution within three (3) years prior to the date of filing the application under consideration, the Inspector shall require security. If the owner or developer does not comply with this resolution or with the conditions of the permit after issuance, the security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity and bring the site into compliance with this resolution.

B. Security in the form of a cash deposit, letter of credit or other acceptable form of security must be provided for the following conditions:

1. Rough grading, site development, large residential development or commercial development when there is land-disturbing activity of an area equal to or greater than five (5) acres.
2. A potential for runoff, erosion and/or sedimentation to adversely impact public right-of-ways, other property or waters of the state.
3. When a site drains into sinkholes or when the site is used for a borrow pit or waste area.

C. With regard to potential runoff, erosion and/or sedimentation which would adversely impact public right-of-ways, the actual amount of the security shall be based on a remediation and completion estimate for the disturbed area as determined by the Blount County Road Superintendent, with a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof of land-disturbing activity. The Road Superintendent may refuse any proffered security based upon past performance, ratings of the permit holder and/or surety of the security or other appropriate sources of reference information.

D. Within sixty (60) days of the completion and acceptance of all requirements of the final plan, the security shall be refunded or terminated.

E. The Board of County Commissioners of Blount County, Tennessee, shall set fees for obtaining grading permits by resolution.

Section 9. General criteria. The following general criteria are

minimum requirements for controlling pollutants, erosion, and sedimentation from land-disturbing activity and shall be incorporated into all erosion and sediment control plans as determined by the Inspector and/or County Engineer. All soil erosion and sediment control measures and practices shall conform to the requirements of this resolution. The measures and practices shall apply to all features of the site including street and utility installations, drainage facilities and other temporary and permanent improvements. Practices shall be implemented to prevent or control erosion and sedimentation during all stages of any land-disturbing activity. No grading permit issued using the following General Criteria is intended to restrict the use of other innovative practices or modifications to the specified practices if such practices are thoroughly described and detailed and approved as part of or a supplement to the final plan prior to installation.

A. Minimum requirements for land disturbing activity. The minimum requirements for controlling erosion and sedimentation from land disturbing activity shall be as set forth in the Tennessee Erosion and Sediment Control Handbook, latest edition.

B. Requirements for best management practices. Owners and developers of land-disturbing activities shall implement appropriate erosion prevention and sediment control best management practices (BMPs). BMPs shall be maintained and repaired by the permittee or his/her designee as often as necessary to maintain compliance with the approved plan and this resolution.

C. Technical design criteria. The design of erosion prevention, sediment, and pollution management controls, including BMPs, stabilization practices and structural practices, shall be performed in accordance with criteria and requirements stated in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. All controls must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. Measures selected for erosion prevention and sediment control must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required, and must be fully described on the formal plan if required.

D. Priority construction activities. Additional design, installation, inspection, inspection certification, and buffer zone requirements for discharges into impaired or high quality waters that are included in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall be implemented for all priority construction activities, as defined in this resolution.

E. Stabilization of disturbed areas and soil stockpiles. Temporary or permanent soil stabilization measures must be applied to areas subject to land-disturbing activity when and where deemed necessary by the Inspector for the purpose of good soil stabilization practices. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and include, but

are not necessarily limited to, the growing of vegetative cover, sod, application of straw, mulching, fabric mats and early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except in the following two situations:

1. where the initiation of stabilization measures by the fourteenth day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

2. where construction activity on a portion of the site has temporarily ceased and land-disturbing activity will be resumed within fifteen (15) days, temporary stabilization measures do not have to be initiated on that portion of the site. Soil stockpiles not stabilized by vegetation must be stabilized or protected with sediment trapping measures to prevent soil loss.

F. Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the Inspector, is mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions. In most cases, a uniform density of at least 70 percent of perennial vegetative cover for the disturbed areas that are unpaved and not covered by a permanent structure will be sufficient.

G. Protection of adjacent properties. Properties adjacent to the site of land-disturbing activity shall be protected from sedimentation. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land-disturbing activity, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

H. Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment on site must be constructed as a first step in grading and be made functional before upslope land-disturbing activity takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within seven (7) days of installation. These measures must be maintained in good working order and must remain in place until such time as the Inspector finds that the area is stabilized.

I. Sediment basins. Stormwater runoff from drainage areas with five (5) acres or greater of area subject to land-disturbing activity must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity as specified in the Tennessee Erosion and Sediment Control Handbook, latest edition. Sediment basins or traps for smaller areas subject to land-disturbing activity may be required where deemed necessary. The sediment basin requirement may also be waived by the Inspector if site conditions do not warrant its

construction. Vegetative measures must be installed from the permanent pool elevation to the top of the berm.

J. Sodding detention ponds, ditches and drainage swales. Sod shall be used on detention ponds, ditches and drainage swales or if velocities warrant stabilization. Stabilization methods other than sod may be approved by the Inspector and/or County Engineer. The owner or developer shall maintain sodded areas until they become established.

K. Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of project completion must be provided with additional slope stabilizing measures until the erosion is corrected. The following guidelines are provided to aid in developing an adequate design for slopes:

1. Topsoil for the area should be stockpiled and then used for replacement on the graded area.
2. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
3. Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
4. Concentrated storm water should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.
5. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.
6. Slopes 2:1 or greater shall be stabilized with erosion control matting or other method(s) approved by the Inspector. The owner or developer shall maintain matted areas until permanent vegetation is established.
7. Steep slopes of 35% grade or greater shall be temporarily stabilized no later than seven (7) days after construction activity on the slope has temporarily or permanently ceased.

L. Protection of storm sewer inlets. All existing storm sewer inlets and/or inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment. All new storm sewer inlets should be properly manufactured with precast warnings as to not allow any draining of chemicals, toxic, or hazardous substances due to draining to waters of the state.

M. Working in or crossing watercourses. Construction vehicles shall be kept out of watercourses. The channel (including bed and banks) must always be stabilized immediately after in-channel work is completed. Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction,

a temporary stream crossing must be provided, the design of which must be approved by the Inspector and the State of Tennessee, where appropriate.

N. Underground utility construction. The construction of underground utility lines shall be subject to the following criteria:

1. Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.
2. Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems or off-site property.

O. Temporary stone construction entrance. Wherever construction access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (e.g., mud) by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots and other objectionable material and placing a TDOT #1 or #2 (1.5" to 3.5" diameter) aggregate stone layer at least six (6) inches thick underlain with filter fabric for a minimum of fifty (50) feet from the edge of the hard surface public road. This entrance shall be a minimum of twenty (20) feet in width and shall be maintained for the duration of the project or until a permanent access drive is constructed. The stone layer shall be replaced or overlain with new stone when necessary to ensure that sediment is not transported off the site. If sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

P. Disposition of temporary practices. All temporary erosion and sediment control practices shall be disposed of within 30 days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise directed by the Inspector. Trapped sediment and other disturbed soft areas resulting from the disposition of temporary practices shall be properly disposed of and/or permanently stabilized to prevent further erosion and sedimentation.

Q. Control measure construction and maintenance standards. The installation and maintenance of erosion prevention and sediment control practices, stabilization practices and structural practices shall be performed in accordance with the standards provided in the Tennessee Erosion and Sediment Control Handbook, latest edition, except where more stringent standards are set forth in this resolution or are required by the Inspector. If periodic inspections or other information indicate that a control measure has been used inappropriately, or incorrectly, the owner or developer must replace or modify the control for relevant site situations. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to insure continued performance of their intended function.

R. Erosion control before grading begins. Erosion and sediment control practices and measures for the control of other construction related wastes shall be

in place and functional before land-disturbing activity begins and shall be constructed and maintained during the entire construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.

S. Responsible person. A specific individual shall be designated to be responsible for erosion and sediment control on each site. This individual shall have a minimum training of the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. The responsible person must possess a valid certificate of completion for the Level I course or approved equivalent that is to be kept on site.

T. Inspections. The permit holder shall perform inspections of erosion and sediment control practices weekly in dry periods, before anticipated storm events (or a series of storm events as intermittent showers over one (1) or more days) and within twenty-four (24) hours after any rainfall of one-half (1/2) inch or greater within a twenty-four (24) hour period. During prolonged rainfall, daily inspections shall be performed. Erosion and sediment control shall be repaired as necessary. The permit-holder shall maintain on-site a record of such inspections and repairs.

U. Site Assessment. A site assessment shall be performed for quality assurance of erosion prevention and sediment controls. The assessment shall be performed as per the Tennessee Construction General Permit, latest edition, at each outfall involving drainage totaling ten (10) or more acres or five (5) or more acres if draining to an impaired or exceptional quality waters.

V. Storm water discharge. There shall be no distinctly visible floating scum, oil, or other matter contained in the storm water discharge. The storm water discharge must not cause the receiving stream to change color.

W. Control of other construction related wastes. Owners and developers of land-disturbing activities shall control other construction related wastes, as defined in this resolution, in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. The discharge of such wastes in stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the formal plan for the site of the activity.

X. Vegetative buffers during construction. An undisturbed, natural vegetative buffer of an average of thirty (30) feet (as measured from the top-of-bank) shall be maintained adjacent to all free-flowing waters of the state, wetlands, lakes, hydraulically connected ponds, etc., during permitted construction. The minimum width of the averaged buffer may be no less than fifteen (15) feet at any measured location.

For permitted construction sites that contain and/or are adjacent to a receiving stream designated as impaired (by the most recent TDEC 303(d) list) or Exceptional Tennessee waters, an average of sixty (60) feet undisturbed, natural vegetative

buffer applies measured from the top of the bank. The minimum width of the averaged buffer must be no less than thirty (30) feet at any measured location.

The Inspector may allow a variance with mitigation that is at least as protective of natural resources and the environment or where drainage structures and road crossings must be constructed, provided that adequate erosion control measures are incorporated in the submitted plans. The following requirements shall apply to any such buffer:

1. No land-disturbing activity shall be conducted within the buffer, and the buffer shall remain in its undisturbed state of vegetation until all land-disturbing activity on the site is complete and all disturbed areas on the site are stabilized.
2. Nothing contained in this section shall prevent the County from adopting rules and regulations or resolutions that contain requirements that exceed the minimum requirements in this section.

Y. Stripping, cleaning and grading to be minimized. Stripping of vegetation, grading, and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to a minimum necessary for grading and equipment operation. Preconstruction vegetative cover shall not be destroyed, removed or disturbed more than ten (10) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface areas.

Z. Dewatering. Discharges from dewatering activities, including but not limited to dewatering of trenches, excavations, and temporary sediment ponds or traps, are prohibited unless managed by appropriate controls. Appropriate controls include, but not limited to: weir tank, dewatering tank, gravity bag filter, sand media particulate filter, cartridge filter, or other control units providing the level of treatment necessary to comply with permit requirements.

AA. Discharges into Impaired or Exceptional Tennessee Waters. For sites containing these type of waterbodies, the SWPPP must be prepared so that erosion prevention and sediment controls used at the site are designed to control stormwater runoff generated by a 5 year, 24 hour storm event as a minimum, either from total rainfall in the design period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html.

Section 10. Variances. The Inspector may waive or modify any of the General Criteria which are deemed inappropriate or too restrictive for site conditions by granting a variance. Variances may be granted in writing under the following conditions:

- A. At the time of plan submission, an applicant may request a variance(s) to become part of the final plan. The applicant must set forth the reasons for requesting a variance(s) in writing. Specific variance(s) must be documented on the final plan.
- B. During construction, the permit holder may request amendments to the final

plan. The amended plan shall be reviewed pursuant to the procedures set forth in Section 6. Until such time as the amended plan is approved by the Inspector, the land-disturbing activity shall not proceed except in accordance with the original final plan. A response in writing for plan review approving or disapproving such request shall be given within ten (10) working days. Without written approval, no amendment shall be considered valid.

Section 11. Right of Entry. The Inspector may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainage way; or other stormwater system during reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this resolution.

Section 12. Final inspection and certification of completion. Upon completion of the work specified in the final plan, the permit holder shall request a final inspection. Final inspection shall occur within five (5) working days of the request. If upon final inspection, the Inspector finds that the permit holder has complied with the requirements of the final plan and that the project has been completed, the Inspector shall issue a certificate of completion and close the grading permit. Should the Inspector find that there has not been compliance; the Inspector shall notify the permit holder of the reason(s) therefore. The permit holder shall then correct any deficiency(ies) and request a final inspection and issuance of a certificate of completion, or the permit holder shall submit security in the form of a cash deposit, letter of credit or other acceptable form of security guaranteeing completion of the work by a certain date. If the permit holder does not comply with the requirements of the final plan and complete the project, such security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to bring the site into compliance with the requirements of the final plan. Should the Inspector conduct three (3) requested final inspections for the same permit without a certificate of completion being issued, the permit holder shall pay to the county a fee of fifty dollars (\$50.00) for each additional inspection conducted by the Inspector thereafter.

Section 13. Appeals. Any applicant or permit holder may appeal any decision or interpretation of the provisions of this resolution by the Inspector to the Blount County Board of Zoning Appeals by filing a petition for review with the board within thirty (30) days of such decision or interpretation. Any person aggrieved by a final decision of the board may seek review by a court of competent jurisdiction.

Section 14. Civil penalty.

A. Any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector shall be liable for a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per violation and/or failure to comply. Each day during which the violation and/or failure to comply continues shall constitute a separate offense. *See* Tenn. Code Ann. § 68-221-1106(a).

B. The following minimum penalties shall apply to land-disturbing activity which violates any provision of this resolution or any permit condition or limitation:

1. There shall be a minimum penalty of fifty dollars (\$50.00) per day for each violation involving residential construction; and
2. There shall be a minimum penalty of two hundred and fifty dollars (\$250.00) per day for each violation involving land-disturbing activity other than provided in sub-subsection 1. of this subsection B.

C. The Inspector is authorized and empowered to assess a civil penalty against any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector. Notice of such assessment shall be served upon the person or permit holder incurring the civil penalty in any manner authorized by law.

D. Any person or permit holder incurring a civil penalty may seek review thereof by filing a petition for review with the Blount County Board of Zoning Appeals. If a petition for review of a civil penalty is not filed within thirty (30) days after notice of the civil penalty is served upon the person or permit holder incurring the civil penalty in any manner authorized by law, such person or permit holder shall be deemed to have consented to the civil penalty, and it shall become final. A decision of the Blount County Board of Zoning Appeals may be appealed pursuant to the provisions of title 27, chapter 8 of the Tennessee Code Annotated. *See* Tenn. Code Ann. § 68-221-1106(d).

E. Whenever any civil penalty has become final, the county may apply to the chancery court for the county for a judgment and seek execution on such judgment. Failure to seek review of and/or to appeal a civil penalty shall be treated as a confession of judgment. *See* Tenn. Code Ann. § 68-221-1106(e).

F. In assessing a civil penalty, the Inspector may consider the following factors:

1. The harm done to the public health or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the prohibited activity;
3. The amount of effort put forth by the person or permit holder incurring the civil penalty to remedy the violation;
4. Any unusual or extraordinary enforcement costs incurred by the County;
5. The amount of penalty established by resolution for specific categories of violations;
6. Any equities of the situation which outweigh the benefit of imposing any civil penalty; and
7. The economic benefit gained by the person or permit holder incurring the civil penalty.

See Tenn. Code Ann. § 68-221-1106(b).

G. Any civil penalty incurred by a person or permit holder pursuant to this resolution shall be in addition to any civil penalty that may be assessed by the Commissioner of Environment and Conservation for violations of Tenn. Code Ann. §69-3-115 and/or any court-issued fines.

Section 15. Judicial proceedings.

A. The Inspector may institute injunction, mandamus, abatement or any other appropriate judicial action, actions, proceeding or proceedings to prevent, enjoin or abate the violation of any provision of this resolution or the provisions of any permit condition or limitation.

B. The County may prosecute violations of this resolution in the General Sessions Court for Blount County, Tennessee, in accordance with Tenn. Code Ann. § 5-1-123. Upon a finding that a person or permit holder has violated a provision of this resolution, the violator shall be subject to a fine not to exceed fifty dollars (\$50.00), and such fine shall be in addition to any civil penalty incurred under the provisions of this resolution. Each day during which a provision of this resolution is violated shall constitute a separate offense.

Section 16. Effective Date. This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 15th day of November, 2012.

Chairman

Attest:

Approved: _____

County Clerk

Vetoed: _____

Resolution Sponsors:

Commissioner

Commissioner

County Mayor

Date

RESOLUTION SPONSORS: _____

RESOLUTION NO. _____

A RESOLUTION ADOPTING REGULATIONS TO PROTECT WATER QUALITY IN THE URBANIZED AREA OF BLOUNT COUNTY BY PROHIBITING, SUPPRESSING, AND PREVENTING THE CONTAMINATION OF STORM WATER BY GRADING, EROSION, AND SEDIMENTATION.

WHEREAS, Tenn. Code Ann. § 5-1-118© authorizes counties, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, to exercise those powers granted to all or certain municipalities by Tenn. Code Ann. § 6-2-201(22) and (23), with specified exceptions; and

WHEREAS, on September 21, 2000, the Board of County Commissioners of Blount County, Tennessee, by a vote of 20 in favor, 0 opposed, and 1 absent adopted Resolution No. 00-09-01 authorizing Blount County to exercise said powers granted to all or certain municipalities; and

WHEREAS, upon the adoption of said Resolution No. 00-09-01 and pursuant to Tenn. Code Ann. § 6-2-201(22), Blount County became authorized to define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to unincorporated areas of the county and to exercise general police powers; and

WHEREAS, Tenn. Code Ann. § 68-221-1101-1106 authorizes counties to adopt regulations for storm water discharges and contaminates in order to protect water quality in their respective unincorporated areas; and

WHEREAS, on March 19, 2009, the Board of County Commissioners of Blount County, Tennessee, adopted an amended Resolution No. 09-03-004 authorizing Blount County to exercise said powers granted within the urbanized areas of Blount County; and

WHEREAS, pursuant to the authority of Tenn. Code Ann. § 5-1-118(c), 6-2-201(22) and 68-221-1101-1106 and Resolution No. 00-09-01, Blount County desires to revise the previously adopted regulations hereinafter set forth to protect water quality in the urbanized area by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 15th day of November, 2012, that the following regulations to protect water quality in the urbanized area by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation are hereby adopted to wit:

Section 1. Rules applying to resolution. For the purpose of this resolution, certain rules of construction shall apply as follows:

- A. Words used in the present tense shall include the future tense, and the singular includes the plural, unless otherwise indicated in the text.
- B. The terms "shall" and "must" are always mandatory and not discretionary; the words "may" and "should" are permissive.
- C. Except as herein provided, all words used in this resolution shall have their common dictionary definition.

Section 2. Definitions.

- A. "Applicant." Person submitting the application for a grading permit. Typically, this is the owner or developer of the land-disturbing activity.
- B. "Blount County Board of Zoning Appeals." The body which has the authority to hear appeals by any person (see *infra* definition Y) or permit holder who has been assessed a civil penalty under the provisions of this resolution, or by any person who has been denied a grading permit under the provisions of this resolution, or by any person who has been aggrieved by any decision or interpretation of the provisions of this resolution by the Inspector.
- C. "Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.
- D. "County." Blount County, Tennessee.
- E. "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.
- F. "Developer." The person (see *infra* definition Y) authorized to carry out the development of land.
- G. "Development." The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved land or other similar activities when not excluded by exemptions from this resolution.
- H. "Drainage structure." A device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point of storm water management drainage control or flood control purposes.

- I. "Erosion." The wearing away of land by action of wind, water, ice, or gravity.
- J. "Erosion and sediment control plan." A plan for the control of erosion and sediment resulting from land-disturbing activity (*see infra* definition U). The plan shall be reviewed and approved before a grading permit may be issued. *See* "final plan," *infra* definition O. The plan may be included as part of a preliminary plan required by any Blount County resolution or regulation, including zoning, building codes and safety, subdivision regulations, or a separate plan following the specifications set out in this resolution.
- K. "Excavation." *See* "cut," *supra* definition E.
- L. "Exceptional Tennessee waters." Are surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed in Chapter 1200-4-3-.06 of the official compilation – Rules and Regulations of the State of Tennessee.
- M. "Existing grade." The slope or elevation of existing land surface prior to cutting or filling.
- N. "Fill." Portion of surface or area of land to which soil, rock or other materials have been or will be added; height above original land surface after the material has been or will be added.
- O. "Final grade." The final slope or elevation of land surface after cutting or filling and conforming to the final plan (*see infra* definition O).
- P. "Final plan." The approved erosion and sediment control plan. The final plan may differ from the submitted erosion and sediment control plan if adjustments or amendments are required by the Inspector.
- Q. "Finished grade." *See* "final grade," *supra* definition N.
- R. "Formal plan." An erosion and sediment control plan required for land-disturbing activity equal to or greater than one (1) acre in size.
- S. "Grading." Any operation or occurrence by which the existing elevations of land are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed or any water course or body of water, either natural or man-made, is relocated thereby creating an unprotected area. "Grading" shall be synonymous with "land-disturbing activity" (*see infra* definition U).
- T. "Grading permit." A permit issued by the Inspector to authorize grading (*see supra* definition R) to be performed under the provisions of this resolution.
- U. "Impaired Waters." Means any segments of surface waters that has been identified by Tennessee Department of Environment and Conservation (TDEC) as failing to support one or more classified uses.

V. "Inspector." The person designated by the County Mayor as the Storm Water Administrator, or his/her designee, who shall issue grading permits and carry out inspections and enforcement as provided hereunder.

W. "Land-disturbing activity." Any activity on land that may result in soil erosion and/or movement of sediment. Land disturbing activities include, but are not limited to, development, re-development, construction, re-construction, clearing, grading, excavating, demolition of structures, landscaping, transporting and filling.

X. "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

Y. "NPDES." National Pollutant Discharge Elimination System.

Z. "Owner." The legal owner of land at the time of application for a grading permit. The person ultimately responsible for adhering to the provisions of this resolution.

AA. "Person." Any and all persons, natural or artificial, including any individual, firm, partnership, entity, or association, and any municipal or private corporation organized or existing under the laws of this or any other state.

BB. "Priority construction activity." Any land-disturbing activity that is one (1) acre or greater that discharges into, or upstream of, waters the State of Tennessee recognizes as impaired for siltation or high quality waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the Inspector, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.

CC. "Project." The entire proposed development regardless of the size of the area of land to be disturbed.

DD. "Redevelopment." The improvement of a lot or lots that have been previously developed.

EE. "Responsible person." A specific individual designated to be responsible for erosion and sediment control practices and maintenance of same on each site where land-disturbing activity takes place.

FF. "Sediment." Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

GG. "Sedimentation." The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

HH. "Sediment basin, trap, barrier or perimeter dike." A barrier or dam built across a waterway or water course, or at other locations, to retain sediment.

II. "Slope." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

JJ. "Soil stabilization." Measures which protect soil from erosion.

KK. "Stabilizing slopes." The utilization of adequate structural and/or vegetative erosion and sediment control practices (see *infra* definitions MM and QQ) for preventing erosion from occurring on an incline.

LL. "Waters of the state." Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters. These waters include, but are not limited to the following: rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, and wells.

MM. "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

NN. "Structural erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of land or storing, regulating, or disposing of runoff to prevent excess sediment loss. Examples are silt fence, structural diversions, grade stabilization structures, sediments traps and land grading, etc. Such measures can be found in the publication Tennessee Erosion and Sediment Control Handbook, latest edition.

OO. "Unstable." The tendency for land surface to change due to lack of structural and/or vegetative erosion and sediment control (see *infra* definitions MM and QQ) support.

PP. "Urbanized Area." A land area comprising one or more places — central place(s) — and the adjacent densely settled surrounding area — urban fringe — that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as per the U.S. Census Bureau.

QQ. "Variance." A grant of relief from the requirements of this resolution that permits construction or activity in a manner otherwise prohibited by this resolution where strict enforcement would result in unnecessary hardship.

RR. "Vegetative buffer." The area of land adjacent to waters of the state in a condition of vegetation which facilitates the protection of water quality and aquatic habitat.

SS. "Vegetative erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with turf or perennial sod-forming grass.

TT. "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a defined channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Section 3. Existing eroding areas. Upon written notification from the Inspector, the owner of land which exhibits unstable or eroding soil conditions shall correct such conditions within thirty (30) calendar days. The Inspector may extend this period upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the Inspector to determine an acceptable method of correction.

Section 4. Grading permit required. Except as provided in Section 5, no person shall engage in any land-disturbing activity, **including but not limited to clearing, grading, filling and excavating**, within the urbanized area of Blount County without obtaining a grading permit issued by the Inspector in accordance with the requirements set forth below:

Any development or redevelopment that will result in a land-disturbing activity equal to or greater than one (1) acre in size **or a project or development of less than one (1) acre of land disturbance, but if the construction activities are part of a larger common plan of development or sale that comprise at least one (1) acre of land disturbance** requires:

1. Application with two (2) copies of legible engineering drawings of a formal plan
2. Appropriate fee
3. Engineering review by the Inspector and/or County Engineer
4. Site inspection
5. Grading permit
6. Ongoing (monthly at a minimum) and final inspection
7. After final inspection and permit compliance, certificate of completion from the Stormwater Department.

All development activities which require right-of-way cuts or excavation within the development site and shown on a formal plan shall be subject to all applicable fees. Grading activities which involve no construction or right-of-way cuts shall be subject to the grading permit fee schedule only.

All exceptions to this resolution which are outlined in Section 5 will be required to use, maintain and follow the minimum requirements for controlling erosion and sediment set forth in Section 9. If unstable or eroding soil conditions exist during land-disturbing activities exempted in Section 5, then Section 3 shall prevail.

The person engaging in land-disturbing activities not exempted in Section 5 of this resolution must obtain from the Tennessee Department of Environment and Conservation (TDEC) a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, or documentation that the land-disturbing activity does not require coverage under the State permit, prior to obtaining a grading permit. A copy of the NOC and the associated Stormwater Pollution Prevention Plan (SWPPP) or documentation that the site does not require coverage under the State permit must be submitted with the formal plan.

Section 5. Exemptions. Grading permits shall not be required for the following types of land-disturbing activity:

- A. Installation, maintenance and repair of any underground public utility line when such activity has a land-disturbance less than one (1) acre, occurs on an existing right-of-way, and a cut or excavation permit has been obtained from the Blount County Road Superintendent, unless the activity is within fifty (50) feet of any waters of the state, in which event a grading permit is required.
- B. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
- C. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices, and forestry land management practices including harvesting.
- D. Emergency work to protect life or property. Upon completion of emergency work, the disturbed area shall be shaped and stabilized in accordance with this resolution. The Inspector must be notified of the incident within seventy-two (72) hours thereof.

The owner or developer whose land-disturbing activity has been exempted from the requirements for a grading permit shall nevertheless be responsible for otherwise conducting such activity in accordance with the provisions of this resolution and other applicable laws including responsibility for controlling erosion, sedimentation, and runoff.

Section 6. Application and plan review. No grading permit shall be issued until a formal plan has been approved by the Inspector. Such plan shall comply, at a minimum, with the requirements set forth in Section 9 of this resolution.

All applications for grading permits shall be filed with the Inspector at least ten (10) days prior to the commencement of the proposed land-disturbing activity. All applications shall include a formal plan.

Formal plan. No person shall initiate land-disturbing activity equal to or greater than one (1) acre (43, 560 ft²) in size unless a formal erosion and sediment control plan for such activity is filed with and approved by the Inspector. Any formal plan shall require a pre-construction conference. The formal plan shall include, but not be limited to, the following:

1. Property boundaries
2. Two (2) ft. topographic contours – existing and proposed for slopes greater than fifteen percent (15%) or five (5) ft. intervals may be allowed
3. Site conditions prior to development and as they will be upon completion of the development
4. Proposed final groundcover within disturbed areas
5. All structural and/or vegetative erosion and sediment control practices proposed to be installed
6. Finished elevations of buildings, streets, roads, drives, stormwater utilities, sanitary sewer utilities and other related appurtenances within the proposed development
7. Volumetric and velocity rates of stormwater runoff
8. Watercourses, sinkholes, bodies of water and other similar features affecting runoff on or adjacent to the proposed development
9. Stream designated as impaired by the state's most current 303(d) report
10. Indication of fill material used or deposited and where it is located
11. Name, address and telephone number of the owner or developer of the land
12. Brief project description
13. Clearing and grading limits
14. Location of existing trees
15. Trees to be removed
16. Location of site relevant to highways, municipalities, or other prominent landmarks
17. Recognition of priority construction activity if applicable
18. TDEC Level 1 certification - Fundamentals of Erosion Prevention and Sediment Control Workshop as of June 17, 2007

All formal plans shall be prepared by a licensed, qualified professional engineer or landscape architect and shall include a time schedule for completion and periodic maintenance after completion, details of structural and/or vegetative erosion and sediment control practices, daily clean-up and site control practices and any other information needed to accurately depict erosion and sediment control practices unique to the development. Additionally, any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the

area of the land-disturbing activities (if any) shall be identified in the formal plan. If such species are identified in the formal plan or by the county, then the formal plan shall also include written documentation from the United State Fish and Wildlife Service that indicates:

- (a) approval of the best management practices (BMPs) that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical habitat. Said BMPs shall also be included on the formal plan; or,
- (b) a finding of no potential impact as a result of the proposed land-disturbing activity.

Formal plans should be prepared to meet the Tennessee Construction General Permit, latest edition, requirements. These requirements include, but are not limited to the following:

- (a) Necessity of an erosion prevention and sediment control/pollution prevention plan. The plan shall include the following items: site description, description of stormwater runoff controls, erosion prevention and sediment controls, stormwater management, description of other items needing control, maintenance, inspections, pollution prevention measures for non-stormwater discharges, and documentation of permit eligibility related to Total Maximum Daily Loads (TMDL).
- (b) Erosion and sediment control measures shall be designed in accordance with good engineering practices and the latest edition of the Tennessee Erosion and Sediment Control Handbook. The measures shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html.
- (c) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site.

The Inspector shall review all formal plans with necessary staff and make a determination with respect to the sufficiency thereof within ten (10) working days from submittal of the plan. If a plan is determined insufficient, the Inspector shall inform the owner or developer of the plan's deficiencies by written notification. The applicant shall then revise the plan to comply with this resolution and submit a revised plan to the Inspector, or the applicant may submit documentation to substantiate the validity of the original plan. If the Inspector finds corrections and additions to the plan acceptable, the Inspector will then notify the applicant of approval and a grading permit shall be issued. Grading permits shall expire one (1) year from the date of issuance unless extended by the Inspector. After one (1) year,

the grading permit will become null and void and the plan must be resubmitted for approval.

The inspector may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed erosion prevention and sediment control measures.

Attendance at a pre-construction meeting with the inspector and other associated county departments prior to issuance of a grading permit is required for owners and developers of developments and redevelopments that will be engaging in land-disturbing activity equal to or greater than one (1) acre in size and/or a priority construction activity, as defined in this resolution.

If the land is to be developed in phases, with final plat approval at the end of each construction phase, then a separate grading permit shall be required for each phase. Construction phasing is required to keep the total disturbed area less than fifty (50) acres at any one time for a project. No more than fifty (50) acres of active soil disturbance is allowed at any time during the construction project. If no final plat approval is requested for phased projects totaling more than fifty (50) acres of soil disturbance, then separate grading permits are not required for each individual phase.

A grading permit issued by the Inspector may specify any condition under which the land-disturbing activity shall be undertaken. The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity. The issuance of a grading permit does not relieve the permit holder of any obligation or responsibility of complying with the provisions of any other law or rules and regulations of any federal, state or additional local authority.

Section 7. Inspection and enforcement.

A. After the grading permit is issued, the Inspector shall inspect the site to determine whether structural and/or vegetative erosion and sediment control practices have been installed according to the formal plan submitted, and whether the practices are adequate for erosion and sediment control and are otherwise in compliance with this resolution.

For applications submitted with a formal plan, if the site inspection indicates the structural and/or vegetative erosion and sediment control practices have been installed according to the plan submitted and if the technical review of the plan by the Inspector indicates compliance with this resolution, the Inspector shall allow work to commence.

B. The requirements of this resolution shall be enforced by the Inspector, who shall inspect the work, grading or construction involved. If the Inspector finds any person has engaged in land disturbing activity without having obtained a required grading permit, the following shall occur:

1. First offense - A stop work order and a notice of violation shall be issued by the Inspector.
2. If work continues - Assessment of a civil penalty by the Inspector for each day work continues without a permit.

C. If the Inspector finds that the grading permit holder has failed to properly install, maintain or use proper structural and/or vegetative erosion and sediment control practices as specified in the final plan, the following shall occur:

1. First offense – Written warning issued by the Inspector (maximum of two (2) days for compliance); if conditions warrant, a stop work order shall be issued immediately by the Inspector.
2. Second offense – Notice of violation issued, issuance of stop work order by the Inspector, suspension of all building until violation corrected, and notification to TDEC of violation.
3. Third offense – Assessment of a civil penalty by the Inspector for each day work continues.
4. Each additional offense – Assessment of a civil penalty by the Inspector for each day work continues and suspension of the issuance of subsequent grading permits.
5. Failure to clean up site – Permit holder liable for three (3) times the cost of clean-up starting with the first offense (see *infra* subsection G).

D. If the Inspector determines that significant erosion and/or sedimentation is occurring on a graded site despite approved structural and/or vegetative erosion and sediment control practices, he shall require the permit holder to take additional corrective action to protect the adversely affected area. The additional corrective action required shall be part of an amended erosion and sediment control plan.

E. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Notice of a stop work order shall be in writing and shall be given by the Inspector to the owner or developer of the land, an agent of the owner or developer or the responsible person or shall be conspicuously posted by the Inspector at the project and shall state the necessary corrective action with a completion date before other activity can resume. Notice given to the owner or developer, an agent of the owner or developer or the responsible person may be given by first class U. S. Mail mailed to the address shown on the application for the grading permit, or if there is no application, to any address known by the Inspector for such owner or developer, agent of the owner or developer or responsible person, and it will be presumed that the notice is received by the addressee if it is not returned to the Inspector by the U. S. Postal Service.

F. All persons conducting land-disturbing activities which requires a grading permit shall keep a copy of the grading permit along with the approved **SWPPP** at a central location on-site at all times for the use of the inspector and all of those identified as having responsibilities under the plan whenever they are on the site of the land-disturbing activity. **If the site is inactive or does not have an on-site**

location adequate to store the permit and SWPPP, the location of these documents, along with a contact phone number, shall be posted on-site. If these documents are located off-site, reasonable local access to them, during normal working hours, must be provided.

G. If, upon inspection, the Inspector finds that a person engaged in land-disturbing activity has failed to comply with a final plan and/or this resolution, the Inspector shall serve a written notice to comply upon that person in the same manner as provided in subsection E of this section. The notice shall identify the violation, set forth the corrective action necessary to achieve compliance, and shall state the time within which such corrective action must be complete. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this resolution and in addition to other penalties, shall forfeit any security provided under the provisions of Section 8 of this resolution. The County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity, including clean-up of the site, and bring the site into compliance with this resolution.

H. Any responsible person who receives three (3) related written notices under subsection G of this section will be required to retake the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. If after completing the course, the same person receives another written notice under subsection G of this section within three (3) years of completing the course, subsequent requests for grading permits shall be denied to that person. Such person may appeal the denial of a grading permit to the Blount County Board of Zoning Appeals by requesting a hearing within thirty (30) days of the denial.

I. Any uncovered area existing on the effective date of this resolution which resulted from land-disturbing activity and which is subject to continued accelerated erosion and which is causing off-site damage from sedimentation, shall be provided with structural and/or vegetative erosion and sediment control practices to prevent erosion and control off-site sedimentation.

1. The Inspector shall give a written notice to comply to the owner or developer of land where any such uncovered area existed on the effective date of this resolution in the same manner as provided in subsection E of this section. The notice will set forth the corrective action necessary to achieve compliance with this resolution and shall state the time within which such corrective action must be completed. In determining the structural and/or vegetative erosion and sediment control practices required and the time allowed for compliance, the Inspector shall take into consideration the economic feasibility, technology and quantity of work required and shall set reasonable and attainable time limits for compliance.

2. An erosion and sediment control plan may be required by the Inspector where extensive structural and/or vegetative erosion and sediment control practices are necessary.

Section 8. Security requirements and fees.

A. Prior to the issuance of a grading permit, the owner or developer may be required to provide security in the form of a cash deposit, letter of credit or other acceptable form of security for the work to be completed or any portion thereof pursuant to the final plan. When reviewing any application for a grading permit, the Inspector shall consider the past record of the applicant in complying with any previous permits and/or this resolution. The Inspector may require the applicant to provide acceptable security in a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof for the proposed land-disturbing activity prior to issuing the permit. If an applicant has had three (3) or more violations of previous permits or this resolution within three (3) years prior to the date of filing the application under consideration, the Inspector shall require security. If the owner or developer does not comply with this resolution or with the conditions of the permit after issuance, the security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity and bring the site into compliance with this resolution.

B. Security in the form of a cash deposit, letter of credit or other acceptable form of security must be provided for the following conditions:

1. Rough grading, site development, large residential development or commercial development when there is land-disturbing activity of an area equal to or greater than five (5) acres.
2. A potential for runoff, erosion and/or sedimentation to adversely impact public right-of-ways, other property or waters of the state.
3. When a site drains into sinkholes or when the site is used for a borrow pit or waste area.

C. With regard to potential runoff, erosion and/or sedimentation which would adversely impact public right-of-ways, the actual amount of the security shall be based on a remediation and completion estimate for the disturbed area as determined by the Blount County Road Superintendent, with a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof of land-disturbing activity. The Road Superintendent may refuse any proffered security based upon past performance, ratings of the permit holder and/or surety of the security or other appropriate sources of reference information.

D. Within sixty (60) days of the completion and acceptance of all requirements of the final plan, the security shall be refunded or terminated.

E. The Board of County Commissioners of Blount County, Tennessee, shall set fees for obtaining grading permits by resolution.

Section 9. General criteria. The following general criteria are minimum requirements for controlling pollutants, erosion, and sedimentation from land-disturbing activity and shall be incorporated into all erosion and sediment

control plans as determined by the Inspector and/or County Engineer. All soil erosion and sediment control measures and practices shall conform to the requirements of this resolution. The measures and practices shall apply to all features of the site including street and utility installations, drainage facilities and other temporary and permanent improvements. Practices shall be implemented to prevent or control erosion and sedimentation during all stages of any land-disturbing activity. No grading permit issued using the following General Criteria is intended to restrict the use of other innovative practices or modifications to the specified practices if such practices are thoroughly described and detailed and approved as part of or a supplement to the final plan prior to installation.

A. Minimum requirements for land disturbing activity. The minimum requirements for controlling erosion and sedimentation from land disturbing activity shall be as set forth in the Tennessee Erosion and Sediment Control Handbook, latest edition.

B. Requirements for best management practices. Owners and developers of land-disturbing activities shall implement appropriate erosion prevention and sediment control best management practices (BMPs). BMPs shall be maintained and repaired by the permittee or his/her designee as often as necessary to maintain compliance with the approved plan and this resolution.

C. Technical design criteria. The design of erosion prevention, sediment, and pollution management controls, including BMPs, stabilization practices and structural practices, shall be performed in accordance with criteria and requirements stated in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. All controls must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. Measures selected for erosion prevention and sediment control must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required, and must be fully described on the formal plan if required.

D. Priority construction activities. Additional design, installation, inspection, inspection certification, and buffer zone requirements for discharges into impaired or high quality waters that are included in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall be implemented for all priority construction activities, as defined in this resolution.

E. Stabilization of disturbed areas and soil stockpiles. Temporary or permanent soil stabilization measures must be applied to areas subject to land-disturbing activity when and where deemed necessary by the Inspector for the purpose of good soil stabilization practices. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and include, but are not necessarily limited to, the growing of vegetative cover, sod, application of straw, mulching, fabric mats and early application of gravel base on areas to be

paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except in the following two situations:

1. where the initiation of stabilization measures by the fourteenth day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

2. where construction activity on a portion of the site has temporarily ceased and land-disturbing activity will be resumed within fifteen (15) days, temporary stabilization measures do not have to be initiated on that portion of the site. Soil stockpiles not stabilized by vegetation must be stabilized or protected with sediment trapping measures to prevent soil loss.

F. Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the Inspector, is mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions. **In most cases, a uniform density of at least 70 percent of perennial vegetative cover for the disturbed areas that are unpaved and not covered by a permanent structure will be sufficient.**

G. Protection of adjacent properties. Properties adjacent to the site of land-disturbing activity shall be protected from sedimentation. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land-disturbing activity, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

H. Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment on site must be constructed as a first step in grading and be made functional before upslope land-disturbing activity takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within seven (7) days of installation. These measures must be maintained in good working order and must remain in place until such time as the Inspector finds that the area is stabilized.

I. Sediment basins. Stormwater runoff from drainage areas with five (5) acres or greater of area subject to land-disturbing activity must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity as specified in the Tennessee Erosion and Sediment Control Handbook, latest edition. Sediment basins or traps for smaller areas subject to land-disturbing activity may be required where deemed necessary. The sediment basin requirement may also be waived by the Inspector if site conditions do not warrant its construction. Vegetative measures must be installed from the permanent pool elevation to the top of the berm.

J. Sodding detention ponds, ditches and drainage swales. Sod shall be used on detention ponds, ditches and drainage swales or if velocities warrant stabilization. Stabilization methods other than sod may be approved by the Inspector and/or County Engineer. The owner or developer shall maintain sodded areas until they become established.

K. Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of project completion must be provided with additional slope stabilizing measures until the erosion is corrected. The following guidelines are provided to aid in developing an adequate design for slopes:

1. Topsoil for the area should be stockpiled and then used for replacement on the graded area.
2. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
3. Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
4. Concentrated storm water should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.
5. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.
6. Slopes 2:1 or greater shall be stabilized with erosion control matting or other method(s) approved by the Inspector. The owner or developer shall maintain matted areas until permanent vegetation is established.
7. Steep slopes of 35% grade or greater shall be temporarily stabilized no later than seven (7) days after construction activity on the slope has temporarily or permanently ceased.

L. Protection of storm sewer inlets. All existing storm sewer inlets and/or inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment. All new storm sewer inlets should be properly manufactured with precast warnings as to not allow any draining of chemicals, toxic, or hazardous substances due to draining to waters of the state.

M. Working in or crossing watercourses. Construction vehicles shall be kept out of watercourses. The channel (including bed and banks) must always be stabilized immediately after in-channel work is completed. Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing must be provided, the design of which must be approved by the Inspector and the State of Tennessee, where appropriate.

N. Underground utility construction. The construction of underground utility lines shall be subject to the following criteria:

1. Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.
2. Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems or off-site property.

O. Temporary stone construction entrance. Wherever construction access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (e.g., mud) by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots and other objectionable material and placing a TDOT #1 or #2 (1.5" to 3.5" diameter) aggregate stone layer at least six (6) inches thick underlain with filter fabric for a minimum of fifty (50) feet from the edge of the hard surface public road. This entrance shall be a minimum of twenty (20) feet in width and shall be maintained for the duration of the project or until a permanent access drive is constructed. The stone layer shall be replaced or overlain with new stone when necessary to ensure that sediment is not transported off the site. If sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

P. Disposition of temporary practices. All temporary erosion and sediment control practices shall be disposed of within 30 days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise directed by the Inspector. Trapped sediment and other disturbed soft areas resulting from the disposition of temporary practices shall be properly disposed of and/or permanently stabilized to prevent further erosion and sedimentation.

Q. Control measure construction and maintenance standards. The installation and maintenance of erosion prevention and sediment control practices, stabilization practices and structural practices shall be performed in accordance with the standards provided in the Tennessee Erosion and Sediment Control Handbook, latest edition, except where more stringent standards are set forth in this resolution or are required by the Inspector. If periodic inspections or other information indicate that a control measure has been used inappropriately, or incorrectly, the owner or developer must replace or modify the control for relevant site situations. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to insure continued performance of their intended function.

R. Erosion control before grading begins. Erosion and sediment control practices and measures for the control of other construction related wastes shall be in place and functional before land-disturbing activity begins and shall be constructed and maintained during the entire construction period. Temporary

measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.

S. Responsible person. A specific individual shall be designated to be responsible for erosion and sediment control on each site. This individual shall have a minimum training of the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. The responsible person must possess a valid certificate of completion for the Level I course or approved equivalent that is to be kept on site.

T. Inspections. The permit holder shall perform inspections of erosion and sediment control practices weekly in dry periods, before anticipated storm events (or a series of storm events as intermittent showers over one (1) or more days) and within twenty-four (24) hours after any rainfall of one-half (1/2) inch or greater within a twenty-four (24) hour period. During prolonged rainfall, daily inspections shall be performed. Erosion and sediment control shall be repaired as necessary. The permit-holder shall maintain on-site a record of such inspections and repairs.

U. Site Assessment. A site assessment shall be performed for quality assurance of erosion prevention and sediment controls. The assessment shall be performed as per the Tennessee Construction General Permit, latest edition, at each outfall involving drainage totaling ten (10) or more acres or five (5) or more acres if draining to an impaired or exceptional quality waters.

V. Storm water discharge. There shall be no distinctly visible floating scum, oil, or other matter contained in the storm water discharge. The storm water discharge must not cause the receiving stream to change color.

W. Control of other construction related wastes. Owners and developers of land-disturbing activities shall control other construction related wastes, as defined in this resolution, in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. The discharge of such wastes in stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the formal plan for the site of the activity.

X. Vegetative buffers during construction. An undisturbed, natural vegetative buffer of an average of thirty (30) feet (as measured from the top-of-bank) shall be maintained adjacent to all free-flowing waters of the state, wetlands, lakes, hydraulically connected ponds, etc., during permitted construction. The minimum width of the averaged buffer may be no less than fifteen (15) feet at any measured location.

For permitted construction sites that contain and/or are adjacent to a receiving stream designated as impaired (by the most recent TDEC 303(d) list) or Exceptional Tennessee waters, an average of sixty (60) feet undisturbed, natural vegetative buffer applies measured from the top of the bank. The minimum width of the averaged buffer must be no less than thirty (30) feet at any measured location.

The Inspector may allow a variance with mitigation that is at least as protective of natural resources and the environment or where drainage structures and road crossings must be constructed, provided that adequate erosion control measures are incorporated in the submitted plans. The following requirements shall apply to any such buffer:

1. No land-disturbing activity shall be conducted within the buffer, and the buffer shall remain in its undisturbed state of vegetation until all land-disturbing activity on the site is complete and all disturbed areas on the site are stabilized.
2. Nothing contained in this section shall prevent the County from adopting rules and regulations or resolutions that contain requirements that exceed the minimum requirements in this section.

Y. Stripping, cleaning and grading to be minimized. Stripping of vegetation, grading, and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to a minimum necessary for grading and equipment operation. Preconstruction vegetative cover shall not be destroyed, removed or disturbed more than ten (10) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface areas.

Z. Dewatering. Discharges from dewatering activities, including but not limited to dewatering of trenches, excavations, and temporary sediment ponds or traps, are prohibited unless managed by appropriate controls. Appropriate controls include, but not limited to: weir tank, dewatering tank, gravity bag filter, sand media particulate filter, cartridge filter, or other control units providing the level of treatment necessary to comply with permit requirements.

AA. Discharges into Impaired or Exceptional Tennessee Waters. For sites containing these type of waterbodies, the SWPPP must be prepared so that erosion prevention and sediment controls used at the site are designed to control stormwater runoff generated by a 5 year, 24 hour storm event as a minimum, either from total rainfall in the design period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html.

Section 10. Variations. The Inspector may waive or modify any of the General Criteria which are deemed inappropriate or too restrictive for site conditions by granting a variance. Variations may be granted in writing under the following conditions:

A. At the time of plan submission, an applicant may request a variance(s) to become part of the final plan. The applicant must set forth the reasons for requesting a variance(s) in writing. Specific variance(s) must be documented on the final plan.

B. During construction, the permit holder may request amendments to the final plan. The amended plan shall be reviewed pursuant to the procedures set forth in Section 6. Until such time as the amended plan is approved by the Inspector, the

land-disturbing activity shall not proceed except in accordance with the original final plan. A response in writing for plan review approving or disapproving such request shall be given within ten (10) working days. Without written approval, no amendment shall be considered valid.

Section 11. Right of Entry. The Inspector may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainage way; or other stormwater system during reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this resolution.

Section 12. Final inspection and certification of completion. Upon completion of the work specified in the final plan, the permit holder shall request a final inspection. Final inspection shall occur within five (5) working days of the request. If upon final inspection, the Inspector finds that the permit holder has complied with the requirements of the final plan and that the project has been completed, the Inspector shall issue a certificate of completion and close the grading permit. Should the Inspector find that there has not been compliance; the Inspector shall notify the permit holder of the reason(s) therefore. The permit holder shall then correct any deficiency(ies) and request a final inspection and issuance of a certificate of completion, or the permit holder shall submit security in the form of a cash deposit, letter of credit or other acceptable form of security guaranteeing completion of the work by a certain date. If the permit holder does not comply with the requirements of the final plan and complete the project, such security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to bring the site into compliance with the requirements of the final plan. Should the Inspector conduct three (3) requested final inspections for the same permit without a certificate of completion being issued, the permit holder shall pay to the county a fee of fifty dollars (\$50.00) for each additional inspection conducted by the Inspector thereafter.

Section 13. Appeals. Any applicant or permit holder may appeal any decision or interpretation of the provisions of this resolution by the Inspector to the Blount County Board of Zoning Appeals by filing a petition for review with the board within thirty (30) days of such decision or interpretation. Any person aggrieved by a final decision of the board may seek review by a court of competent jurisdiction.

Section 14. Civil penalty.

A. Any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector shall be liable for a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per violation and/or failure to comply. Each day during which the violation and/or failure to comply continues shall constitute a separate offense. *See* Tenn. Code Ann. § 68-221-1106(a).

B. The following minimum penalties shall apply to land-disturbing activity which violates any provision of this resolution or any permit condition or limitation:

1. There shall be a minimum penalty of fifty dollars (\$50.00) per day for each violation involving residential construction; and
2. There shall be a minimum penalty of two hundred and fifty dollars (\$250.00) per day for each violation involving land-disturbing activity other than provided in sub-subsection 1. of this subsection B.

C. The Inspector is authorized and empowered to assess a civil penalty against any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector. Notice of such assessment shall be served upon the person or permit holder incurring the civil penalty in any manner authorized by law.

D. Any person or permit holder incurring a civil penalty may seek review thereof by filing a petition for review with the Blount County Board of Zoning Appeals. If a petition for review of a civil penalty is not filed within thirty (30) days after notice of the civil penalty is served upon the person or permit holder incurring the civil penalty in any manner authorized by law, such person or permit holder shall be deemed to have consented to the civil penalty, and it shall become final. A decision of the Blount County Board of Zoning Appeals may be appealed pursuant to the provisions of title 27, chapter 8 of the Tennessee Code Annotated. *See* Tenn. Code Ann. § 68-221-1106(d).

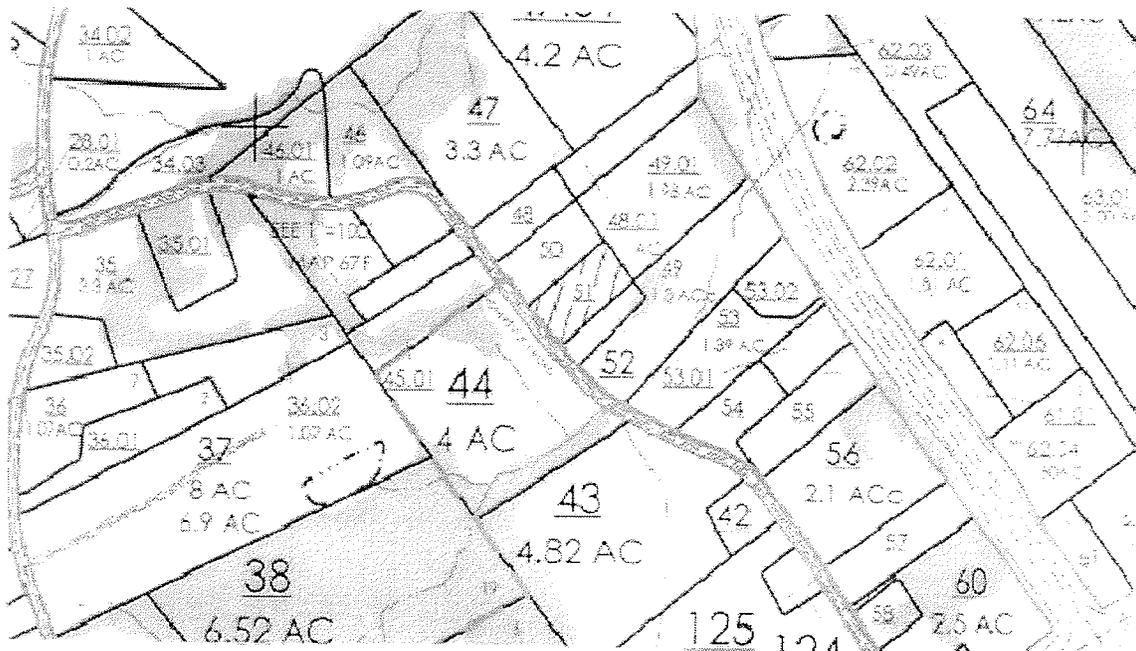
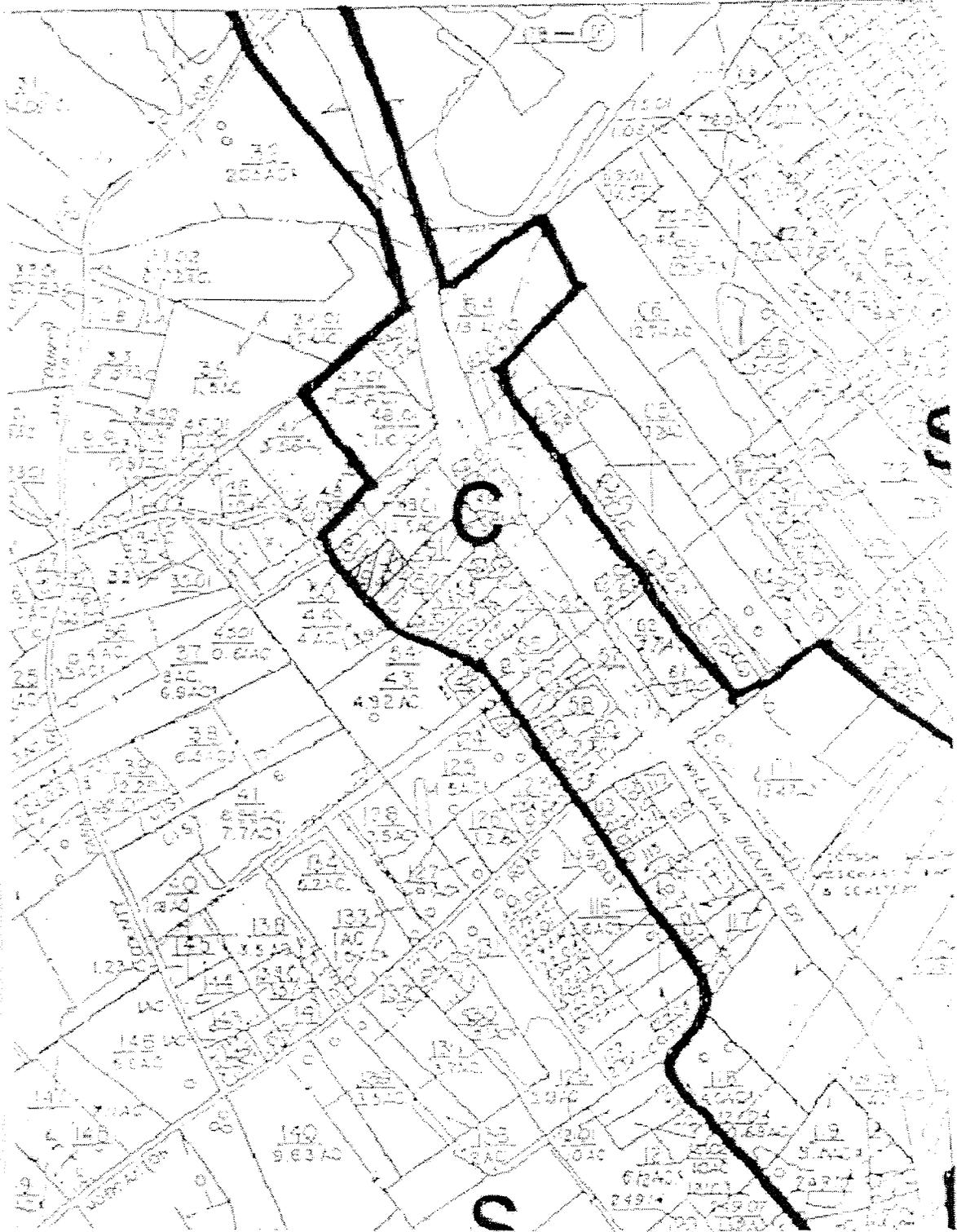
E. Whenever any civil penalty has become final, the county may apply to the chancery court for the county for a judgment and seek execution on such judgment. Failure to seek review of and/or to appeal a civil penalty shall be treated as a confession of judgment. *See* Tenn. Code Ann. § 68-221-1106(e).

F. In assessing a civil penalty, the Inspector may consider the following factors:

1. The harm done to the public health or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the prohibited activity;
3. The amount of effort put forth by the person or permit holder incurring the civil penalty to remedy the violation;
4. Any unusual or extraordinary enforcement costs incurred by the County;
5. The amount of penalty established by resolution for specific categories of violations;
6. Any equities of the situation which outweigh the benefit of imposing any civil penalty; and
7. The economic benefit gained by the person or permit holder incurring the civil penalty.

See Tenn. Code Ann. § 68-221-1106(b).

G. Any civil penalty incurred by a person or permit holder pursuant to this resolution shall be in addition to any civil penalty that may be assessed by the



IN RE: REVISIONS TO A RESOLUTION ADOPTING REGULATIONS TO PROTECT WATER QUALITY IN THE UNINCORPORATED AREAS OF BLOUNT COUNTY BY PROHIBITING, SUP-

PRESSING, AND PREVENTING THE CONTAMINATION OF STORMWATER BY GRADING, EROSION, AND SEDIMENTATION.

Commissioner Helton made a motion to approve the revisions. Commissioner Graham seconded the motion.

Commissioner Helton made a motion to amend the regulations adopted in 2004 that states that it applies to disturbance of 1/10 of an acre or more be amended to 1 acre or more. Commissioner Proffitt seconded the motion.

A vote was taken on the motion to amend:

Ballard – absent	Harrison – absent	Lambert - absent	Reeves – nay
Burchfield – aye	Hasty – aye	Lewis – nay	Samples – aye
Farmer – nay	Helton – aye	McCulley – aye	Walker – absent
French – aye	Keeble – aye	Melton – aye	
Graham – aye	Kirby – aye	Murrell – aye	
Hargis – aye	Lail – aye	Proffitt – aye	

There were 14 voting aye, 3 voting nay, and 4 absent. Chairman Samples declared the motion to amend to have passed.

Commissioner Helton made a motion to amend the urban growth boundary reference in the resolution to state "urbanized areas" of Maryville and Alcoa. Commissioner Lewis seconded the motion.

A vote was taken on the motion to amend:

Ballard – absent	Harrison – absent	Lambert - absent	Reeves – nay
Burchfield – aye	Hasty – nay	Lewis – aye	Samples – aye
Farmer – aye	Helton – aye	McCulley – aye	Walker – absent
French – nay	Keeble – aye	Melton – aye	
Graham – aye	Kirby – aye	Murrell – nay	
Hargis – aye	Lail – aye	Proffitt – aye	

There were 13 voting aye, 4 voting nay, and 4 absent. Chairman Samples declared the motion to amend to have passed.

A vote was taken on the motion as amended:

Ballard – absent	Harrison – absent	Lambert - absent	Reeves – nay
Burchfield – aye	Hasty – nay	Lewis – aye	Samples – aye
Farmer – aye	Helton – aye	McCulley – aye	Walker – absent
French – aye	Keeble – aye	Melton – aye	
Graham – aye	Kirby – aye	Murrell – nay	
Hargis – aye	Lail – aye	Proffitt – aye	

There were 14 voting aye, 3 voting nay, and 4 absent. Chairman Samples declared the motion to have passed.



BLOUNT COUNTY GOVERNMENT

STORMWATER DEPARTMENT

1006 F. Lamar Alexander Pkwy
Maryville, TN 37804
Phone: 865-681-9301 Fax: 865-681-9502

MEMO

TO: Blount County Commission

FROM: Justin Teague, Stormwater Program Director

DATE: February 4, 2009

RE: Agenda Item: Revised Sediment and Erosion Control Resolution

The County Commission is asked to review and consider approval of the *revised* resolution necessary for the County's compliance with the EPA Phase II Stormwater regulations.

Recall that this and other regulatory requirements promulgated under the Phase II regulations were discussed at a 2008 work session by TDEC representatives. This resolution was initially adopted by the commission in December of 2004 and was reviewed by TDEC in an audit of the county's stormwater program in February 2008. During the audit, it was observed that the adopted resolution did not meet all the requirements for regulations on construction sites within the unincorporated areas of the county. The county attorney has reviewed the revised resolution for any potential legal issues prior to this meeting.

The amended/added sections to the previously adopted resolution are in italics in the attached document and listed below in a summary. The existing resolution adopted in 2004 can be viewed at: <http://www.blounttn.org/Stormwater/FINAL%20APPROVED%20EROSION%20CONTROL%20RESOLUTION.pdf>

As supplement to the full-text resolution, a summary is provided below.

Soil Erosion & Sediment Control Resolution

- Creates a County Grading Permit system for construction sites that have land disturbing activities equal to or greater than one tenth (0.1 or 4,356 ft²) acre.
- Exemptions are included for work that is being performed under the requirements of the Natural Resources Conservation Service of the United States Department of Agriculture (formerly the Soil Conservation Service) and all agriculture practices.
- Includes provisions for inspection and enforcement.
- Provided authority for the County Commission to establish fees for permits, etc. related to this resolution.
- Lists minimum requirements for grading operations (crushed stone access drives, silt fence, etc.).
- Utilizes the Board of Zoning Appeals to hear matters related to this resolution and other stormwater issues.

Proposed Sediment and Erosion Control Resolution Changes:

Page 1, paragraph 5: WHEREAS, on December 16, 2004, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 04-12-016 authorizing Blount County to exercise said powers granted within the unincorporated areas of Blount County; and

Page 1, paragraph 6: revise the previously

Page 2, Sec. 2, definition A: "Applicant." Person submitting the application for a grading permit. Typically, this is the owner or developer of the land-disturbing activity.

Page 2, Sec. 2, definition C: "Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.

Page 3, Sec. 2, definition J: building codes and safety

Page 3, Sec. 2, definition U: Land disturbing activities include, but are not limited to, development, re-development, construction, re-construction

Page 4, Sec. 2, definition W: "NPDES." National Pollutant Discharge Elimination System

Page 4, Sec. 2, definition Z: "Priority construction activity." Any land-disturbing activity that is one (1) acre or greater that discharges into, or upstream of, waters the State of Tennessee recognizes as impaired for siltation or high quality waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the Inspector, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.

Page 4 Sec. 2, definition BB: "Redevelopment." The improvement of a lot or lots that have been previously developed.

Page 4 Sec. 2, definition DD: Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

Page 5 Sec. 2, definition KK: Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

Page 6, Sec. 4, A,B: Any development or redevelopment that will result in a

Page 6, Sec. 4, B, 6: (monthly at a minimum)

Page 6, Sec. 4, B, 7: and permit compliance

Page 7, Sec. 4, 1st paragraph: The person engaging in land-disturbing activities not exempted in Section 5 of this resolution must obtain from the Tennessee Department of Environment and Conservation (TDEC) a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of

Stormwater Associated with Construction Activities, or documentation that the land-disturbing activity does not require coverage under the State permit, prior to obtaining a grading permit. A copy of the NOC and the associated Stormwater Pollution Prevention Plan (SWPPP) or documentation that the site does not require coverage under the State permit must be submitted with the formal or site plan.

Page 7 Sec. 5, A: has a land-disturbance less than one (1) acre

Page 7 Sec. 5, C: involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices, and forestry land management practices including harvesting.

Page 8 Sec. 6, A & B: (4,356 ft²) & (43,560 ft²)

Page 9 Sec. 6, B, 17: Recognition of priority construction activity if applicable

Page 9 Sec. 6, B, 18: TDEC Level 1 certification Fundamentals of Erosion Prevention and Sediment Control Workshop as of June 17, 2007.

Page 9 Sec. 6: Additionally, any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of the land-disturbing activities (if any) shall be identified in the formal plan. If such species are identified in the formal plan or by the county, then the formal plan shall also include written documentation from the United State Fish and Wildlife Service that indicates:

- (a) approval of the best management practices (BMPs) that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical habitat. Said BMPs shall also be included on the formal plan; or,
- (b) a finding of no potential impact as a result of the proposed land-disturbing activity.

Formal plans should be prepared to meet the Tennessee Construction General Permit, latest edition, requirements. These requirements include, but are not limited to the following:

- (a) Necessity of an erosion prevention and sediment control/pollution prevention plan.
- (b) Erosion and sediment control measures shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm as a minimum.
- (c) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site.

Page 10 Sec. 6, paragraph 1: After one (1) year, the grading permit will become null and void and the plan must be resubmitted for approval.

Page 10 Sec. 6, paragraph 2 & 3: The inspector may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed erosion prevention and sediment control measures.

Attendance at a pre-construction meeting with the inspector and other associated county departments prior to issuance of a grading permit is required for owners and developers of developments and redevelopments that will be engaging in land-disturbing activity equal to or greater than one (1) acre in size and/or a priority construction activity, as defined in this resolution.

Page 10, Sec. 6, paragraph 5: The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity.

Page 11, Sec. 7, C.2: suspension of all building until violation corrected

Page 12, Sec. 7, F: grading permit along with the approved plan at a central location on-site at all times for the use of the inspector and all of those identified as having responsibilities under the plan whenever they are on the site of the land-disturbing activity.

Page 14, Sec. 9, B: Requirements for best management practices. Owners and developers of land-disturbing activities shall implement appropriate erosion prevention and sediment control best management practices (BMPs). BMPs shall be maintained and repaired by the permittee or his/her designee as often as necessary to maintain compliance with the approved plan and this resolution.

Page 14, Sec. 9, C: Technical design criteria. The design of erosion prevention, sediment, and pollution management controls, including BMPs, stabilization practices and structural practices, shall be performed in accordance with criteria and requirements stated in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. All controls must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. Measures selected for erosion prevention and sediment control must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required, and must be fully described on the formal or site plan if required.

Page 14, Sec. 9, D: Priority construction activities. Additional design, installation, inspection, inspection certification, and buffer zone requirements for discharges into impaired or high quality waters that are included in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall be implemented for all priority construction activities, as defined in this resolution.

Page 15, Sec. 9, E: Vegetative measures must be installed from the permanent pool elevation to the top of the berm.

Page 16, Sec. 9, J: Stabilization methods other than sod may be approved by the Inspector and/or County Engineer.

Page 16, Sec. 9, K, 6: Slopes 2:1 or greater shall be stabilized with erosion control matting or other method(s) approved by the Inspector. The owner or developer shall maintain matted areas until permanent vegetation is established.

Page 16, Sec. 9, M: and the State of Tennessee, where appropriate.

Page 17, Sec. 9, O: TDOT #1 or #2 (1.5" to 3.5" diameter)

Page 17, Sec. 9, O: The stone layer shall be replaced or overlain with new stone when necessary to ensure that sediment is not transported off the site.

Page 17, Sec. 9, O: The installation and maintenance of erosion prevention and sediment control practices, stabilization practices and structural practices shall be performed in accordance with the standards provided in the Tennessee Sediment and Erosion Control Handbook, latest edition, except where more stringent standards are set forth in this resolution or are required by the Inspector. If periodic inspections or other information indicate that a control measure has been used inappropriately, or incorrectly, the owner or developer must replace or modify the control for relevant site situations.

Page 17, Sec. 9, R: and measures for the control of other construction related wastes

Page 18, Sec. 9, V: Control of other construction related wastes. Owners and developers of land-disturbing activities shall control other construction related wastes, as defined in this resolution, in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. The discharge of such wastes in stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the formal or site plan for the site of the activity.

Page 18, Sec. 9, W: during construction

Page 19, Sec. 11: Right of Entry. The Inspector may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainage way; or other stormwater system during reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this resolution.



BLOUNT COUNTY GOVERNMENT

STORMWATER DEPARTMENT

1006 E. Lamar Alexander Pkwy.
Maryville, TN 37804
Phone: 865-681-9301 Fax: 865-681-9502

MEMO



TO: Blount County Commission
FROM: Justin Teague, Stormwater Program Director
DATE: March 16, 2009
RE: Agenda Item: Proposed Revised Sediment and Erosion Control Resolution

The amended/added sections to the previously revised resolution are in italics in the attached document and listed below in a summary. The existing resolution adopted in 2004 can be viewed at: <http://www.blounttn.org/Stormwater/FINAL%20APPROVED%20EROSION%20CONTROL%20RESOLUTION.pdf>

Proposed Sediment and Erosion Control Resolution Changes as of March 10, 2009:

Page 1, Title: Amended: Urban Growth Boundaries of the Municipalities of Maryville and Alcoa

Page 1, paragraph 6: Amended: Urban Growth Boundaries of the Municipalities of Maryville and Alcoa

Page 1, paragraph 7: Amended: Urban Growth Boundaries of the Municipalities of Maryville and Alcoa

Page 3, Sec. 2, definition J: Deleted "which may be a site plan or a formal plan."

Page 3, Sec. 2, definition O: Deleted "which may be a site plan or a formal plan."

Page 4, Sec. 2, previous definition GG: Deleted "Site Plan" definition.

Page 6, Sec. 4, paragraph 1: Amended: Urban Growth Boundaries of the Municipalities of Maryville and Alcoa

Page 6, Sec. 4, previous paragraph A: Deleted entire paragraph A.

Page 6, Sec. 4, paragraph 3: Deleted "a site or".

Page 6, Sec. 4, paragraph 5: Deleted "or site".

Page 7, Sec. 6, paragraph 1: Deleted "either a site or".

Page 7, Sec. 6, paragraph 2: Deleted "either a site plan or".

Page 8, Sec. 6, paragraph A Site Plan: Deleted entire paragraph A Site Plan.

Page 9, Sec. 6, paragraph 1: Deleted "site and".

Page 9, Sec. 7, paragraph A: Deleted "site or".

Page 9, Sec. 7, previous paragraph A 1: Deleted entire paragraph A 1.

Page 13 Sec. 9, C: Deleted "or site".

Page 17 Sec. 9, V: Deleted "or site".

RESOLUTION SPONSORS: Ron French Mike Lewis

RESOLUTION NO. 09-03-004

A RESOLUTION ADOPTING REGULATIONS TO PROTECT WATER QUALITY IN THE *URBAN GROWTH BOUNDARIES OF THE MUNICIPALITIES OF MARYVILLE AND ALCOA* BY PROHIBITING, SUPPRESSING, AND PREVENTING THE CONTAMINATION OF STORM WATER BY GRADING, EROSION, AND SEDIMENTATION.

WHEREAS, Tenn. Code Ann. § 5-1-118© authorizes counties, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, to exercise those powers granted to all or certain municipalities by Tenn. Code Ann. § 6-2-201(22) and (23), with specified exceptions; and

WHEREAS, on September 21, 2000, the Board of County Commissioners of Blount County, Tennessee, by a vote of 20 in favor, 0 opposed, and 1 absent adopted Resolution No. 00-09-01 authorizing Blount County to exercise said powers granted to all or certain municipalities; and

WHEREAS, upon the adoption of said Resolution No. 00-09-01 and pursuant to Tenn. Code Ann. § 6-2-201(22), Blount County became authorized to define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to unincorporated areas of the county and to exercise general police powers; and

WHEREAS, Tenn. Code Ann. § 68-221-1101-1106 authorizes counties to adopt regulations for storm water discharges and contaminants in order to protect water quality in their respective unincorporated areas; and

WHEREAS, on December 16, 2004, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 04-12-016 authorizing Blount County to exercise said powers granted within the unincorporated areas of Blount County; and

WHEREAS, pursuant to the authority of Tenn. Code Ann. § 5-1-118(c), 6-2-201(22) and 68-221-1101-1106 and Resolution No. 00-09-01, Blount County desires to *revise the previously* adopted regulations hereinafter set forth to protect water quality in the *Urban Growth Boundaries of the municipalities of Maryville and Alcoa* by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 19th day of March, 2009, that the following regulations to protect water quality in the *Urban Growth Boundaries of the municipalities of Maryville and Alcoa* by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation are hereby adopted to wit:

Section 1. Rules applying to resolution. For the purpose of this resolution, certain rules of construction shall apply as follows:

- A. Words used in the present tense shall include the future tense, and the singular includes the plural, unless otherwise indicated in the text.
- B. The terms "shall" and "must" are always mandatory and not discretionary; the words "may" and "should" are permissive.
- C. Except as herein provided, all words used in this resolution shall have their common dictionary definition.

Section 2. Definitions.

- A. *"Applicant." Person submitting the application for a grading permit. Typically, this is the owner or developer of the land-disturbing activity.*
- B. *"Blount County Board of Zoning Appeals." The body which has the authority to hear appeals by any person (see *infra* definition Y) or permit holder who has been assessed a civil penalty under the provisions of this resolution, or by any person who has been denied a grading permit under the provisions of this resolution, or by any person who has been aggrieved by any decision or interpretation of the provisions of this resolution by the Inspector.*
- C. *"Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.*
- D. *"County." Blount County, Tennessee.*
- E. *"Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.*
- F. *"Developer." The person (see *infra* definition Y) authorized to carry out the development of land.*
- G. *"Development." The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved land or other similar activities when not excluded by exemptions from this resolution.*
- H. *"Drainage structure." A device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point of storm water management drainage control or flood control purposes.*
- I. *"Erosion." The wearing away of land by action of wind, water, ice, or gravity.*

J. "Erosion and sediment control plan." A plan for the control of erosion and sediment resulting from land-disturbing activity (*see infra* definition U). The plan shall be reviewed and approved before a grading permit may be issued. *See* "final plan," *infra* definition O. The plan may be included as part of a preliminary plan required by any Blount County resolution or regulation, including zoning, *building codes and safety*, subdivision regulations, or a separate plan following the specifications set out in this resolution.

K. "Excavation." *See* "cut," *supra* definition E.

L. "Existing grade." The slope or elevation of existing land surface prior to cutting or filling.

M. "Fill." Portion of surface or area of land to which soil, rock or other materials have been or will be added; height above original land surface after the material has been or will be added.

N. "Final grade." The final slope or elevation of land surface after cutting or filling and conforming to the final plan (*see infra* definition O).

O. "Final plan." The approved erosion and sediment control plan. The final plan may differ from the submitted erosion and sediment control plan if adjustments or amendments are required by the Inspector.

P. "Finished grade." *See* "final grade," *supra* definition N.

Q. "Formal plan." An erosion and sediment control plan required for land-disturbing activity equal to or greater than one (1) acre in size.

R. "Grading." Any operation or occurrence by which the existing elevations of land are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed or any water course or body of water, either natural or man-made, is relocated thereby creating an unprotected area. "Grading" shall be synonymous with "land-disturbing activity" (*see infra* definition U).

S. "Grading permit." A permit issued by the Inspector to authorize grading (*see supra* definition R) to be performed under the provisions of this resolution.

T. "Inspector." The person designated by the County Mayor as the Storm Water Administrator, or his/her designee, who shall issue grading permits and carry out inspections and enforcement as provided hereunder.

U. "Land-disturbing activity." Any activity on land that may result in soil erosion and/or movement of sediment. *Land disturbing activities include, but are not limited to, development, re-development, construction, re-construction, clearing, grading, excavating, demolition of structures, landscaping, transporting and filling.*

V. "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

- W. "NPDES." *National Pollutant Discharge Elimination System.*
- X. "Owner." The legal owner of land at the time of application for a grading permit. The person ultimately responsible for adhering to the provisions of this resolution.
- Y. "Person." Any and all persons, natural or artificial, including any individual, firm, partnership, entity, or association, and any municipal or private corporation organized or existing under the laws of this or any other state.
- Z. "Priority construction activity." *Any land-disturbing activity that is one (1) acre or greater that discharges into, or upstream of, waters the State of Tennessee recognizes as impaired for siltation or high quality waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the Inspector, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.*
- AA. "Project." The entire proposed development regardless of the size of the area of land to be disturbed.
- BB. "Redevelopment." *The improvement of a lot or lots that have been previously developed.*
- CC. "Responsible person." A specific individual designated to be responsible for erosion and sediment control practices and maintenance of same on each site where land-disturbing activity takes place.
- DD. "Sediment." *Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.*
- EE. "Sedimentation." The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- FF. "Sediment basin, trap, barrier or perimeter dike." A barrier or dam built across a waterway or water course, or at other locations, to retain sediment.
- GG. "Slope." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- HH. "Soil stabilization." Measures which protect soil from erosion.
- II. "Stabilizing slopes." The utilization of adequate structural and/or vegetative erosion and sediment control practices (see *infra* definitions MM and QQ) for preventing erosion from occurring on an incline.
- JJ. "Waters of the state." *Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon*

Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters. These waters include, but are not limited to the following: rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, and wells.

KK. "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

LL. "Structural erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of land or storing, regulating, or disposing of runoff to prevent excess sediment loss. Examples are silt fence, structural diversions, grade stabilization structures, sediments traps and land grading, etc. Such measures can be found in the publication Tennessee Erosion and Sediment Control Handbook, latest edition.

MM. "Unstable." The tendency for land surface to change due to lack of structural and/or vegetative erosion and sediment control (see *infra* definitions MM and QQ) support.

NN. "Variance." A grant of relief from the requirements of this resolution that permits construction or activity in a manner otherwise prohibited by this resolution where strict enforcement would result in unnecessary hardship.

OO. "Vegetative buffer." The area of land adjacent to waters of the state in a condition of vegetation which facilitates the protection of water quality and aquatic habitat.

PP. "Vegetative erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with turf or perennial sod-forming grass.

QQ. "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a defined channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Section 3. Existing eroding areas. Upon written notification from the Inspector, the owner of land which exhibits unstable or eroding soil conditions shall correct such conditions within thirty (30) calendar days. The Inspector may extend this period upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and vegetating all exposed soil surfaces. Before

commencing corrective measures, the owner shall consult with the Inspector to determine an acceptable method of correction.

Section 4. Grading permit required. Except as provided in Section 5, no person shall engage in any land-disturbing activity within the *Urban Growth Boundaries of the municipalities of Maryville and Alcoa* without obtaining a grading permit issued by the Inspector in accordance with the requirements set forth below:

Any development or redevelopment that will result in a land-disturbing activity equal to or greater than one (1) acre in size requires:

1. Application with two (2) copies of legible engineering drawings of a formal plan
2. Appropriate fee
3. Engineering review by the Inspector and/or County Engineer
4. Site inspection
5. Grading permit
6. Ongoing (*monthly at a minimum*) and final inspection
7. After final inspection *and permit compliance*, certificate of completion from the Stormwater Department.

All development activities which require right-of-way cuts or excavation within the development site and shown on a formal plan shall be subject to all applicable fees. Grading activities which involve no construction or right-of-way cuts shall be subject to the grading permit fee schedule only.

All exceptions to this resolution which are outlined in Section 5 will be required to use, maintain and follow the minimum requirements for controlling erosion and sediment set forth in Section 9. If unstable or eroding soil conditions exist during land-disturbing activities exempted in Section 5, then Section 3 shall prevail.

The person engaging in land-disturbing activities not exempted in Section 5 of this resolution must obtain from the Tennessee Department of Environment and Conservation (TDEC) a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, or documentation that the land-disturbing activity does not require coverage under the State permit, prior to obtaining a grading permit. A copy of the NOC and the associated Stormwater Pollution Prevention Plan (SWPPP) or documentation that the site does not require coverage under the State permit must be submitted with the formal plan.

Section 5. Exemptions. Grading permits shall not be required for the following types of land-disturbing activity:

- A. Installation, maintenance and repair of any underground public utility line when such activity *has a land-disturbance less than one (1) acre*, occurs on an existing right-of-way, and a cut or excavation permit has been obtained from the Blount County Road Superintendent, unless the activity is within fifty (50) feet of any waters of the state, in which event a grading permit is required.

B. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.

C. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices, and forestry land management practices including harvesting.

D. Emergency work to protect life or property. Upon completion of emergency work, the disturbed area shall be shaped and stabilized in accordance with this resolution. The Inspector must be notified of the incident within seventy-two (72) hours thereof.

The owner or developer whose land-disturbing activity has been exempted from the requirements for a grading permit shall nevertheless be responsible for otherwise conducting such activity in accordance with the provisions of this resolution and other applicable laws including responsibility for controlling erosion, sedimentation, and runoff.

Section 6. Application and plan review. No grading permit shall be issued until a formal plan has been approved by the Inspector. Such plan shall comply, at a minimum, with the requirements set forth in Section 9 of this resolution.

All applications for grading permits shall be filed with the Inspector at least ten (10) days prior to the commencement of the proposed land-disturbing activity. All applications shall include a formal plan.

Formal plan. No person shall initiate land-disturbing activity equal to or greater than one (1) acre (43, 560 ft²) in size unless a formal erosion and sediment control plan for such activity is filed with and approved by the Inspector. Any formal plan shall require a pre-construction conference. The formal plan shall include, but not be limited to, the following:

1. Property boundaries
2. Two (2) ft. topographic contours – existing and proposed for slopes greater than fifteen percent (15%) or five (5) ft. intervals may be allowed
3. Site conditions prior to development and as they will be upon completion of the development
4. Proposed final groundcover within disturbed areas
5. All structural and/or vegetative erosion and sediment control practices proposed to be installed
6. Finished elevations of buildings, streets, roads, drives, stormwater utilities, sanitary sewer utilities and other related appurtenances within the proposed development
7. Volumetric and velocity rates of stormwater runoff
8. Watercourses, sinkholes, bodies of water and other similar features affecting runoff on or adjacent to the proposed development

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9. Stream designated as impaired by the state's most current 303(d) report
10. Indication of fill material used or deposited and where it is located
11. Name, address and telephone number of the owner or developer of the land
12. Brief project description
13. Clearing and grading limits
14. Location of existing trees
15. Trees to be removed
16. Location of site relevant to highways, municipalities, or other prominent landmarks
17. *Recognition of priority construction activity if applicable*
18. *TDEC Level 1 certification - Fundamentals of Erosion Prevention and Sediment Control Workshop as of June 17, 2007*

All formal plans shall be prepared by a licensed, qualified professional engineer and shall include a time schedule for completion and periodic maintenance after completion, details of structural and/or vegetative erosion and sediment control practices, daily clean-up and site control practices and any other information needed to accurately depict erosion and sediment control practices unique to the development. *Additionally, any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of the land-disturbing activities (if any) shall be identified in the formal plan. If such species are identified in the formal plan or by the county, then the formal plan shall also include written documentation from the United State Fish and Wildlife Service that indicates:*

- (a) *approval of the best management practices (BMPs) that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical habitat. Said BMPs shall also be included on the formal plan; or,*
- (b) *a finding of no potential impact as a result of the proposed land-disturbing activity.*

Formal plans should be prepared to meet the Tennessee Construction General Permit, latest edition, requirements. These requirements include, but are not limited to the following:

- (a) *Necessity of an erosion prevention and sediment control/pollution prevention plan.*
- (b) *Erosion and sediment control measures shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum.*
- (c) *For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet*

of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site.

The Inspector shall review all formal plans with necessary staff and make a determination with respect to the sufficiency thereof within ten (10) working days from submittal of the plan. If a plan is determined insufficient, the Inspector shall inform the owner or developer of the plan's deficiencies by written notification. The applicant shall then revise the plan to comply with this resolution and submit a revised plan to the Inspector, or the applicant may submit documentation to substantiate the validity of the original plan. If the Inspector finds corrections and additions to the plan acceptable, the Inspector will then notify the applicant of approval and a grading permit shall be issued. Grading permits shall expire one (1) year from the date of issuance unless extended by the Inspector. *After one (1) year, the grading permit will become null and void and the plan must be resubmitted for approval.*

The inspector may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed erosion prevention and sediment control measures.

Attendance at a pre-construction meeting with the inspector and other associated county departments prior to issuance of a grading permit is required for owners and developers of developments and redevelopments that will be engaging in land-disturbing activity equal to or greater than one (1) acre in size and/or a priority construction activity, as defined in this resolution.

If the land is to be developed in phases, then a separate grading permit shall be required for each phase.

A grading permit issued by the Inspector may specify any condition under which the land-disturbing activity shall be undertaken. *The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity.* The issuance of a grading permit does not relieve the permit holder of any obligation or responsibility of complying with the provisions of any other law or rules and regulations of any federal, state or additional local authority.

Section 7. Inspection and enforcement.

A. After the grading permit is issued, the Inspector shall inspect the site to determine whether structural and/or vegetative erosion and sediment control practices have been installed according to the formal plan submitted, and whether the practices are adequate for erosion and sediment control and are otherwise in compliance with this resolution.

For applications submitted with a formal plan, if the site inspection indicates the structural and/or vegetative erosion and sediment control practices have been installed according to the plan submitted and if the technical review of the plan by the Inspector indicates compliance with this resolution, the Inspector shall allow work to commence.

B. The requirements of this resolution shall be enforced by the Inspector, who shall inspect the work, grading or construction involved. If the Inspector finds any person has engaged in land disturbing activity without having obtained a required grading permit, the following shall occur:

1. First offense - A stop work order and a notice of violation shall be issued by the Inspector.
2. If work continues - Assessment of a civil penalty by the Inspector for each day work continues without a permit.

C. If the Inspector finds that the grading permit holder has failed to properly install, maintain or use proper structural and/or vegetative erosion and sediment control practices as specified in the final plan, the following shall occur:

1. First offense - Written warning issued by the Inspector (maximum of two (2) days for compliance); if conditions warrant, a stop work order shall be issued immediately by the Inspector.
2. Second offense - Notice of violation issued, issuance of stop work order by the Inspector, *suspension of all building until violation corrected*, and notification to TDEC of violation.
3. Third offense - Assessment of a civil penalty by the Inspector for each day work continues.
4. Each additional offense - Assessment of a civil penalty by the Inspector for each day work continues and suspension of the issuance of subsequent grading permits.
5. Failure to clean up site - Permit holder liable for three (3) times the cost of clean-up starting with the first offense (see *infra* subsection G).

D. If the Inspector determines that significant erosion and/or sedimentation is occurring on a graded site despite approved structural and/or vegetative erosion and sediment control practices, he shall require the permit holder to take additional corrective action to protect the adversely affected area. The additional corrective action required shall be part of an amended erosion and sediment control plan.

E. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Notice of a stop work order shall be in writing and shall be given by the Inspector to the owner or developer of the land, an agent of the owner or developer or the responsible person or shall be conspicuously posted by the Inspector at the project and shall state the necessary corrective action with a completion date before other activity can resume. Notice given to the owner or developer, an agent of the owner or developer or the responsible person may be given by first class U. S. Mail mailed to the address shown on the application for the grading permit, or if there is no application, to any address known by the Inspector for such owner or developer, agent of the owner or developer or responsible person, and it will be presumed that the notice is received by the addressee if it is not returned to the Inspector by the U. S. Postal Service.

F. All persons conducting land-disturbing activities which requires a grading permit shall keep a copy of the *grading permit along with the approved plan at a central location on-site at all times for the use of the inspector and all of those identified as having responsibilities under the plan whenever they are on the site of the land-disturbing activity.*

G. If, upon inspection, the Inspector finds that a person engaged in land-disturbing activity has failed to comply with a final plan and/or this resolution, the Inspector shall serve a written notice to comply upon that person in the same manner as provided in subsection E of this section. The notice shall identify the violation, set forth the corrective action necessary to achieve compliance, and shall state the time within which such corrective action must be complete. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this resolution and in addition to other penalties, shall forfeit any security provided under the provisions of Section 8 of this resolution. The County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity, including clean-up of the site, and bring the site into compliance with this resolution.

H. Any responsible person who receives three (3) related written notices under subsection G of this section will be required to retake the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. If after completing the course, the same person receives another written notice under subsection G of this section within three (3) years of completing the course, subsequent requests for grading permits shall be denied to that person. Such person may appeal the denial of a grading permit to the Blount County Board of Zoning Appeals by requesting a hearing within thirty (30) days of the denial.

I. Any uncovered area existing on the effective date of this resolution which resulted from land-disturbing activity and which is subject to continued accelerated erosion and which is causing off-site damage from sedimentation, shall be provided with structural and/or vegetative erosion and sediment control practices to prevent erosion and control off-site sedimentation.

1. The Inspector shall give a written notice to comply to the owner or developer of land where any such uncovered area existed on the effective date of this resolution in the same manner as provided in subsection E of this section. The notice will set forth the corrective action necessary to achieve compliance with this resolution and shall state the time within which such corrective action must be completed. In determining the structural and/or vegetative erosion and sediment control practices required and the time allowed for compliance, the Inspector shall take into consideration the economic feasibility, technology and quantity of work required and shall set reasonable and attainable time limits for compliance.

2. An erosion and sediment control plan may be required by the Inspector where extensive structural and/or vegetative erosion and sediment control practices are necessary.

Section 8. Security requirements and fees.

A. Prior to the issuance of a grading permit, the owner or developer may be required to provide security in the form of a cash deposit, letter of credit or other acceptable form of security for the work to be completed or any portion thereof pursuant to the final plan. When reviewing any application for a grading permit, the Inspector shall consider the past record of the applicant in complying with any previous permits and/or this resolution. The Inspector may require the applicant to provide acceptable security in a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof for the proposed land-disturbing activity prior to issuing the permit. If an applicant has had three (3) or more violations of previous permits or this resolution within three (3) years prior to the date of filing the application under consideration, the Inspector shall require security. If the owner or developer does not comply with this resolution or with the conditions of the permit after issuance, the security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity and bring the site into compliance with this resolution.

B. Security in the form of a cash deposit, letter of credit or other acceptable form of security must be provided for the following conditions:

1. Rough grading, site development, large residential development or commercial development when there is land-disturbing activity of an area equal to or greater than five (5) acres.
2. A potential for runoff, erosion and/or sedimentation to adversely impact public right-of-ways, other property or waters of the state.
3. When a site drains into sinkholes or when the site is used for a borrow pit or waste area.

C. With regard to potential runoff, erosion and/or sedimentation which would adversely impact public right-of-ways, the actual amount of the security shall be based on a remediation and completion estimate for the disturbed area as determined by the Blount County Road Superintendent, with a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof of land-disturbing activity. The Road Superintendent may refuse any proffered security based upon past performance, ratings of the permit holder and/or surety of the security or other appropriate sources of reference information.

D. Within sixty (60) days of the completion and acceptance of all requirements of the final plan, the security shall be refunded or terminated.

E. The Board of County Commissioners of Blount County, Tennessee, shall set fees for obtaining grading permits by resolution.

Section 9. General criteria. The following general criteria are minimum requirements for controlling pollutants, erosion, and sedimentation from land-disturbing activity and shall be incorporated into all erosion and sediment control plans as determined by the Inspector and/or County Engineer. All soil

erosion and sediment control measures and practices shall conform to the requirements of this resolution. The measures and practices shall apply to all features of the site including street and utility installations, drainage facilities and other temporary and permanent improvements. Practices shall be implemented to prevent or control erosion and sedimentation during all stages of any land-disturbing activity. No grading permit issued using the following General Criteria is intended to restrict the use of other innovative practices or modifications to the specified practices if such practices are thoroughly described and detailed and approved as part of or a supplement to the final plan prior to installation.

A. Minimum requirements for land disturbing activity. The minimum requirements for controlling erosion and sedimentation from land disturbing activity shall be as set forth in the Tennessee Erosion and Sediment Control Handbook, latest edition.

B. Requirements for best management practices. Owners and developers of land-disturbing activities shall implement appropriate erosion prevention and sediment control best management practices (BMPs). BMPs shall be maintained and repaired by the permittee or his/her designee as often as necessary to maintain compliance with the approved plan and this resolution.

C. Technical design criteria. The design of erosion prevention, sediment, and pollution management controls, including BMPs, stabilization practices and structural practices, shall be performed in accordance with criteria and requirements stated in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. All controls must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. Measures selected for erosion prevention and sediment control must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required, and must be fully described on the formal plan if required.

D. Priority construction activities. Additional design, installation, inspection, inspection certification, and buffer zone requirements for discharges into impaired or high quality waters that are included in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall be implemented for all priority construction activities, as defined in this resolution.

E. Stabilization of disturbed areas and soil stockpiles. Temporary or permanent soil stabilization measures must be applied to areas subject to land-disturbing activity when and where deemed necessary by the Inspector for the purpose of good soil stabilization practices. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and include, but are not necessarily limited to, the growing of vegetative cover, sod, application of straw, mulching, fabric mats and early application of gravel base on areas to be

paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except in the following two situations:

1. where the initiation of stabilization measures by the fourteenth day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or
2. where construction activity on a portion of the site has temporarily ceased and land-disturbing activity will be resumed within fifteen (15) days, temporary stabilization measures do not have to be initiated on that portion of the site. Soil stockpiles not stabilized by vegetation must be stabilized or protected with sediment trapping measures to prevent soil loss.

F. Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the Inspector, is mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions.

G. Protection of adjacent properties. Properties adjacent to the site of land-disturbing activity shall be protected from sedimentation. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land-disturbing activity, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

H. Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment on site must be constructed as a first step in grading and be made functional before upslope land-disturbing activity takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within seven (7) days of installation. These measures must be maintained in good working order and must remain in place until such time as the Inspector finds that the area is stabilized.

I. Sediment basins. Stormwater runoff from drainage areas with five (5) acres or greater of area subject to land-disturbing activity must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity as specified in the Tennessee Erosion and Sediment Control Handbook, latest edition. Sediment basins or traps for smaller areas subject to land-disturbing activity may be required where deemed necessary. The sediment basin requirement may also be waived by the Inspector if site conditions do not warrant its construction. *Vegetative measures must be installed from the permanent pool elevation to the top of the berm.*

J. Sodding detention ponds, ditches and drainage swales. Sod shall be used on detention ponds, ditches and drainage swales or if velocities warrant stabilization.

Stabilization methods other than sod may be approved by the Inspector and/or County Engineer. The owner or developer shall maintain sodded areas until they become established.

K. *Cut and fill slopes.* Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of project completion must be provided with additional slope stabilizing measures until the erosion is corrected. The following guidelines are provided to aid in developing an adequate design for slopes:

1. Topsoil for the area should be stockpiled and then used for replacement on the graded area.
2. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
3. Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
4. Concentrated storm water should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.
5. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.
6. *Slopes 2:1 or greater shall be stabilized with erosion control matting or other method(s) approved by the Inspector. The owner or developer shall maintain matted areas until permanent vegetation is established.*

L. *Protection of storm sewer inlets.* All existing storm sewer inlets and/or inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment. All new storm sewer inlets should be properly manufactured with precast warnings as to not allow any draining of chemicals, toxic, or hazardous substances due to draining to waters of the state.

M. *Working in or crossing watercourses.* Construction vehicles shall be kept out of watercourses. The channel (including bed and banks) must always be stabilized immediately after in-channel work is completed. Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing must be provided, the design of which must be approved by the Inspector and the State of Tennessee, where appropriate.

N *Underground utility construction.* The construction of underground utility lines shall be subject to the following criteria:

1. Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.

2. Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems or off-site property.

O. Temporary stone construction entrance. Wherever construction access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (e.g., mud) by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots and other objectionable material and placing a *TDOT #1 or #2 (1.5" to 3.5" diameter)* aggregate stone layer at least six (6) inches thick underlain with filter fabric for a minimum of fifty (50) feet from the edge of the hard surface public road. This entrance shall be a minimum of twenty (20) feet in width and shall be maintained for the duration of the project or until a permanent access drive is constructed. *The stone layer shall be replaced or overlain with new stone when necessary to ensure that sediment is not transported off the site.* If sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

P. Disposition of temporary practices. All temporary erosion and sediment control practices shall be disposed of within 30 days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise directed by the Inspector. Trapped sediment and other disturbed soft areas resulting from the disposition of temporary practices shall be properly disposed of and/or permanently stabilized to prevent further erosion and sedimentation.

Q. Control measure construction and maintenance standards. *The installation and maintenance of erosion prevention and sediment control practices, stabilization practices and structural practices shall be performed in accordance with the standards provided in the Tennessee Sediment and Erosion Control Handbook, latest edition, except where more stringent standards are set forth in this resolution or are required by the Inspector. If periodic inspections or other information indicate that a control measure has been used inappropriately, or incorrectly, the owner or developer must replace or modify the control for relevant site situations.* All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to insure continued performance of their intended function.

R. Erosion control before grading begins. Erosion and sediment control practices and measures for the control of other construction related wastes shall be in place and functional before land-disturbing activity begins and shall be constructed and maintained during the entire construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.

S. Responsible person. A specific individual shall be designated to be responsible for erosion and sediment control on each site. This individual shall have a minimum training of the Level I - Fundamentals of Erosion Prevention and

Sediment Control Workshop sponsored by TDEC or an approved equivalent course. The responsible person must possess a valid certificate of completion.

T. Inspections. The permit holder shall perform inspections of erosion and sediment control practices weekly in dry periods, before anticipated storm events (or a series of storm events as intermittent showers over one (1) or more days) and within twenty-four (24) hours after any rainfall of one-half (1/2) inch or greater within a twenty-four (24) hour period. During prolonged rainfall, daily inspections shall be performed. Erosion and sediment control shall be repaired as necessary. The permit-holder shall maintain on-site a record of such inspections and repairs.

U. Storm water discharge. There shall be no distinctly visible floating scum, oil, or other matter contained in the storm water discharge. The storm water discharge must not cause the receiving stream to change color.

V. Control of other construction related wastes. Owners and developers of land-disturbing activities shall control other construction related wastes, as defined in this resolution, in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. The discharge of such wastes in stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the formal plan for the site of the activity.

W. Vegetative buffers during construction. An undisturbed vegetative buffer of a minimum of twenty-five (25) feet (as measured from the top-of-bank) shall be maintained adjacent to all free-flowing waters of the state during construction. For bodies of water such as ponds, lakes, etc., an undisturbed vegetative barrier of at least twenty-five (25) feet shall be maintained during construction. The Inspector may allow a variance with mitigation that is at least as protective of natural resources and the environment or where drainage structures and road crossings must be constructed, provided that adequate erosion control measures are incorporated in the submitted plans. The following requirements shall apply to any such buffer:

1. No land-disturbing activity shall be conducted within the buffer, and the buffer shall remain in its undisturbed state of vegetation until all land-disturbing activity on the site is complete and all disturbed areas on the site are stabilized.
2. Nothing contained in this section shall prevent the County from adopting rules and regulations or resolutions that contain requirements that exceed the minimum requirements in this section.

X. Stripping, cleaning and grading to be minimized. Stripping of vegetation, grading, and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to a minimum necessary for grading and equipment operation. Preconstruction vegetative cover shall not be destroyed, removed or disturbed more than ten (10) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface areas.

Section 10. Variances. The Inspector may waive or modify any of the General Criteria which are deemed inappropriate or too restrictive for site conditions by granting a variance. Variances may be granted in writing under the following conditions:

A. At the time of plan submission, an applicant may request a variance(s) to become part of the final plan. The applicant must set forth the reasons for requesting a variance(s) in writing. Specific variance(s) must be documented on the final plan.

B. During construction, the permit holder may request amendments to the final plan. The amended plan shall be reviewed pursuant to the procedures set forth in Section 6. Until such time as the amended plan is approved by the Inspector, the land-disturbing activity shall not proceed except in accordance with the original final plan. A response in writing for plan review approving or disapproving such request shall be given within ten (10) working days. Without written approval, no amendment shall be considered valid.

Section 11. Right of Entry. *The Inspector may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainage way; or other stormwater system during reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this resolution.*

Section 12. Final inspection and certification of completion. Upon completion of the work specified in the final plan, the permit holder shall request a final inspection. Final inspection shall occur within five (5) working days of the request. If upon final inspection, the Inspector finds that the permit holder has complied with the requirements of the final plan and that the project has been completed, the Inspector shall issue a certificate of completion and close the grading permit. Should the Inspector find that there has not been compliance, the Inspector shall notify the permit holder of the reason(s) therefore. The permit holder shall then correct any deficiency(ies) and request a final inspection and issuance of a certificate of completion, or the permit holder shall submit security in the form of a cash deposit, letter of credit or other acceptable form of security guaranteeing completion of the work by a certain date. If the permit holder does not comply with the requirements of the final plan and complete the project, such security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to bring the site into compliance with the requirements of the final plan. Should the Inspector conduct three (3) requested final inspections for the same permit without a certificate of completion being issued, the permit holder shall pay to the county a fee of fifty dollars (\$50.00) for each additional inspection conducted by the Inspector thereafter.

Section 13. Appeals. Any applicant or permit holder may appeal any decision or interpretation of the provisions of this resolution by the Inspector to the Blount County Board of Zoning Appeals by filing a petition for review with the board within thirty (30) days of such decision or interpretation. Any person aggrieved by a final decision of the board may seek review by a court of competent jurisdiction.

Section 14. Civil penalty.

A. Any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector shall be liable for a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per violation and/or failure to comply. Each day during which the violation and/or failure to comply continues shall constitute a separate offense. *See* Tenn. Code Ann. § 68-221-1106(a).

B. The following minimum penalties shall apply to land-disturbing activity which violates any provision of this resolution or any permit condition or limitation:

1. There shall be a minimum penalty of fifty dollars (\$50.00) per day for each violation involving residential construction; and
2. There shall be a minimum penalty of two hundred and fifty dollars (\$250.00) per day for each violation involving land-disturbing activity other than provided in sub-subsection 1. of this subsection B.

C. The Inspector is authorized and empowered to assess a civil penalty against any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector. Notice of such assessment shall be served upon the person or permit holder incurring the civil penalty in any manner authorized by law.

D. Any person or permit holder incurring a civil penalty may seek review thereof by filing a petition for review with the Blount County Board of Zoning Appeals. If a petition for review of a civil penalty is not filed within thirty (30) days after notice of the civil penalty is served upon the person or permit holder incurring the civil penalty in any manner authorized by law, such person or permit holder shall be deemed to have consented to the civil penalty, and it shall become final. A decision of the Blount County Board of Zoning Appeals may be appealed pursuant to the provisions of title 27, chapter 8 of the Tennessee Code Annotated. *See* Tenn. Code Ann. § 68-221-1106(d).

E. Whenever any civil penalty has become final, the county may apply to the chancery court for the county for a judgment and seek execution on such judgment. Failure to seek review of and/or to appeal a civil penalty shall be treated as a confession of judgment. *See* Tenn. Code Ann. § 68-221-1106(e).

F. In assessing a civil penalty, the Inspector may consider the following factors:

1. The harm done to the public health or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the prohibited activity;
3. The amount of effort put forth by the person or permit holder incurring the civil penalty to remedy the violation;
4. Any unusual or extraordinary enforcement costs incurred by the County;
5. The amount of penalty established by resolution for specific categories of violations;

10

- 6. Any equities of the situation which outweigh the benefit of imposing any civil penalty; and
- 7. The economic benefit gained by the person or permit holder incurring the civil penalty.

See Tenn. Code Ann. § 68-221-1106(b).

G. Any civil penalty incurred by a person or permit holder pursuant to this resolution shall be in addition to any civil penalty that may be assessed by the Commissioner of Environment and Conservation for violations of Tenn. Code Ann. §69-3-115 and/or any court-issued fines.

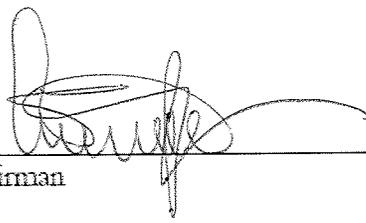
Section 15. Judicial proceedings.

A. The Inspector may institute injunction, mandamus, abatement or any other appropriate judicial action, actions, proceeding or proceedings to prevent, enjoin or abate the violation of any provision of this resolution or the provisions of any permit condition or limitation.

B. The County may prosecute violations of this resolution in the General Sessions Court for Blount County, Tennessee, in accordance with Tenn. Code Ann. § 5-1-123. Upon a finding that a person or permit holder has violated a provision of this resolution, the violator shall be subject to a fine not to exceed fifty dollars (\$50.00), and such fine shall be in addition to any civil penalty incurred under the provisions of this resolution. Each day during which a provision of this resolution is violated shall constitute a separate offense.

Section 16. Effective Date. This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 19th day of March, 2009.



 Chairman

Approved: _____

Vetoed: _____

Attest:



 County Clerk

Resolution Sponsors:



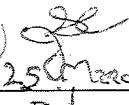
 Commissioner



 Commissioner



 County Mayor


 25 March 2009
 Date

- 20 -

IN RE: ANNUAL ADJUSTMENT FOR FINANCIAL ASSURANCE AGREEMENTS FOR ALCOA/MARYVILLE/BLOUNT COUNTY LANDFILL PERMITS NOS. SNL05-103-0105, SNL 05-103-0105 EXT., DML 05-0091 NA, DML 05-0091 SA.

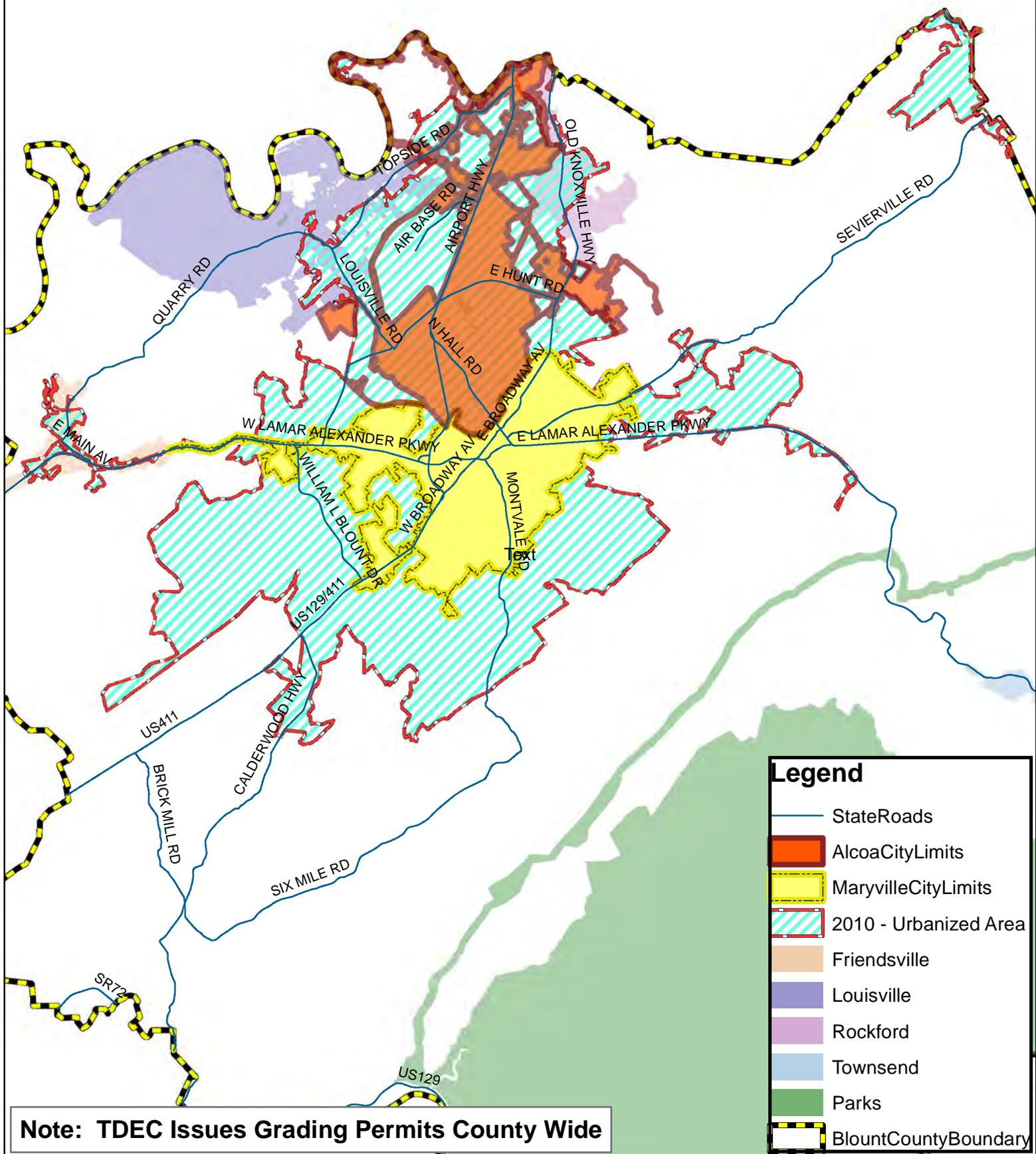
Commissioner Hasty made a motion to approve the adjustment. Commissioner Proffitt seconded the motion.

A vote was taken on the motion:

Ballard – absent	Harrison – absent	Lambert - absent	Reeves – aye
Burchfield – aye	Hasty – aye	Lewis – aye	Samples – aye
Farmer – aye	Helton – aye	McCulley – aye	Walker – absent
French – aye	Keeble – aye	Melton – aye	
Graham – aye	Kirby – aye	Murrell – aye	
Hargis – aye	Lail – aye	Proffitt – aye	

There were 17 voting aye, and 4 absent. Chairman Samples declared the motion to have passed.

Blount County Stormwater Program Area Coverage 2010 Urbanized Area



Note: TDEC Issues Grading Permits County Wide



BLOUNT COUNTY GOVERNMENT

STORMWATER DEPARTMENT

1221 McArthur Road
Maryville, TN 37804
Phone: 865-681-9301 Fax: 865-681-9502

MEMO #2

TO: Blount County Commission
FROM: Justin Teague, Stormwater Program Coordinator
DATE: October 31, 2012
RE: Agenda Item: Proposed Revised Sediment and Erosion Control Resolution

As per the Commission's request, please find below the T.C.A. requirements for the Blount County Phase II Stormwater Program in regard to the proposed resolution.

T.C.A.

68-221-1101. Legislative purpose.

The purpose of this part is to facilitate compliance with the Water Quality Act of 1977, by municipalities which are affected by environmental protection agency (EPA) storm water regulations, particularly those arising from § 405 of the Water Quality Act of 1987, and § 402(p) of the Clean Water Act of 1977, regulating storm water discharges to protect water quality. This part shall enable municipalities to regulate such discharges, to establish a system of drainage facilities, and to fix and require payment of fees for the privilege of discharging storm water. This part shall also enable municipalities to construct and operate a system of drainage facilities for storm water management and flood control.

68-221-1102. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Agricultural land" means land used for agriculture, as defined in § 1-3-105;
- (2) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of storm water facilities; preliminary planning to determine the economic and engineering feasibility of storm water facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of storm water facilities; and the inspection and supervision of the construction of storm water facilities;
- (3) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water;
- (4) "Municipality" means any incorporated city or town, county, metropolitan or consolidated government, or special district of this state empowered to provide storm water facilities;
- (5) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country;
- (6) "Qualified farmer or nurseryman" has the meaning as defined in § 67-6-207(e);
- (7) "Storm water" means storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage;
- (8) "Storm water facilities" means the drainage structures, conduits, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of; and

(9) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes, and reservoirs.

68-221-1103. Authorization of storm water facilities or flood control improvements by municipality.

The governing body of any municipality may authorize the construction, extension, enlargement, or acquisition of necessary storm water facilities or flood control improvements within its corporate boundaries. The improvements may include, but are not limited to, the extension, enlargement, construction, or acquisition of storm water facilities or flood control improvements; the widening, straightening, or relocating of streams, surface waters, or water courses; and the acquisition, extension, enlargement, or construction of any works necessary to regulate the quantity or quality of water for the protection of streams, water courses, surface waters, life, and property; provided, that the municipality obtains all applicable permits and complies with all applicable state and federal laws.

68-221-1104. Condemnation of property.

A municipality may condemn either the fee or such right, title, interest, or easement in property within its corporate boundaries for any of the purposes mentioned in this part, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations or persons having the power of eminent domain, or otherwise held or used for public purposes; provided, that such prior public use will not be interfered with by this use. Such power of condemnation may be exercised in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain.

68-221-1105. Municipal authority.

(a) In order to protect the public health, municipalities authorized to provide storm water and flood control facilities by this part are authorized by appropriate ordinance or resolution to:

(1) Exercise general regulation over the planning, location, construction, and operation and maintenance over storm water facilities in the municipality, whether owned and operated by the municipality or not;

(2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this part, including the adoption of a system of fees for services and permits;

(3) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;

(4) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments;

(5) Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;

(6) Suspend or revoke permits when it is determined that the person has violated any applicable ordinance, resolution, or condition of the permit;

(7) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

(b) Municipalities may only exercise the authority granted by subsection (a) in a manner consistent with all requirements of state and federal law that apply to such activities.

(c) In counties with a metropolitan form of government, the legislative body may, by ordinance, assign responsibility for the planning, location, construction, and operation and maintenance over storm water facilities in the metropolitan county to any department, board or commission.

(d) In counties having governments other than metropolitan or consolidated governments, the county shall only be empowered to exercise the authority granted by this part outside the jurisdiction of an incorporated city or town.

68-221-1106. Civil penalty for violation of ordinance.

(a) A municipality may establish by ordinance or resolution that any person who violates the provisions of any ordinance or resolution regulating storm water discharges or facilities shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of violations. Each day of violation may constitute a separate violation. A municipality shall give the violator reasonable notice of the assessment of any penalty. A municipality may also recover all damages proximately caused to the municipality by such violations.

(b) In assessing a civil penalty, the following factors may be considered:

(1) The harm done to the public health or the environment;

- (2) Whether the civil penalty imposed will be substantial economic deterrent to the illegal activity;
- (3) The economic benefit gained by the violator;
- (4) The amount of effort put forth by the violator to remedy this violation;
- (5) Any unusual or extraordinary enforcement costs incurred by the municipality;
- (6) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (7) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(c) The municipality may also assess damages proximately caused by the violator to the municipality which may include any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation.

(d) The municipality shall establish a procedure for a review of the civil penalty or damage assessment by either the governing body of the municipality or by a board established to hear appeals by any person incurring a damage assessment or a civil penalty. If a petition for review of such damage assessment or civil penalty is not filed within thirty (30) days after the damage assessment or civil penalty is served in any manner authorized by law, the violator shall be deemed to have consented to the damage assessment or civil penalty and it shall become final. The alleged violator may appeal a decision of the governing body or board pursuant to title 27, chapter 8.

(e) Whenever any damage assessment or civil penalty has become final because of a person's failure to appeal the municipality's damage assessment or civil penalty, the municipality may apply to the appropriate chancery court for a judgment and seek execution of such judgment. The court, in such proceedings, shall treat the failure to appeal such damage assessment or civil penalty as a confession of judgment.

68-221-1107. Facilities user's fee.

(a) All municipalities constructing, operating, or maintaining storm water or flood control facilities are authorized to establish a graduated storm water user's fee which may be assessed and collected from each user of the storm water facilities provided by the municipality. These fees shall be reasonable in amount and used exclusively by the municipality for purposes set forth in this part. Such a graduated storm water user's fee shall be based on actual or estimated use of the storm water and/or flood control facilities of the municipality, and each user or user class shall only be required to pay its proportionate share of the construction, administration, operation and maintenance including replacement costs of such facilities based on the user's actual or estimated proportionate contribution to the total storm water runoff from all users or user classes. To ensure a proportionate distribution of all costs to each user or user class, the user's contribution shall be based on factors such as the amount of impervious area utilized by the user, the water quality of user's storm water runoff or the volume or rate of storm water runoff. Persons whose storm water runoff is not discharged into or through the storm water or flood control facilities, or both, of the municipality; and owners and/or operators of agricultural land, in the municipality, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman shall be exempted from payment of the graduated storm water user fee authorized by this section. The fee structure shall provide adjustments for users who construct facilities to retain and control the quantity of storm water runoff. Prior to establishing or amending such user's fees, the municipality shall advertise its intent to do so by notice published in a newspaper of general circulation in such municipality at least thirty (30) days in advance of the meeting of the governing body which shall consider such adoption or amendment.

(b) The municipality providing such service is authorized to enter into a contract for the collection of such storm water facilities fees with any public or private corporation or municipal utilities board or commission operating a water, gas, or electric system other than an electric cooperative incorporated under the Electric Cooperative Law, compiled in title 65, chapter 25, part 2, in the area of the storm water facilities or to make contracts with any other city, town, or utility district to bill and collect storm water fees as a designated item on its utility bill or, in any county which is not in the state's computer assisted appraisal system (CAAS), to enter into a contract or interlocal agreement with the county in which such municipality is located to bill and collect storm water fees for the municipality as a designated item on the ad valorem tax notice issued by the county trustee. In addition, if any county which is not in the state's CAAS constructs, operates or maintains storm water or flood control facilities and establishes and assesses on each user of the storm water facilities provided by the county a graduated storm water user's fee in accordance with this chapter, then the county trustee of such county is authorized to bill and collect such storm water fees for such county as a designated item on the ad valorem tax notice issued by the county trustee. The contract may provide for the discontinuance of utility service to storm water facility users who fail or refuse to pay storm water facility user charges, including the right not to accept payment of the utility bill from any user without receiving at the same time payment of any storm water facility charges owed by such user and not to re-establish utility services until such time as all past due storm water facility service charges owed by such user have been paid and/or the user of the storm water facility has performed all acts and discharged all obligations required by the ordinances or resolutions of the municipality.

68-221-1108. Financing of facilities.

A municipal legislative body may finance storm water facilities under the provisions of the Local Government Public Obligations Act of 1986, compiled in title 9, chapter 21. To protect the public health and to assure payment of bonds issued for storm water facilities, the municipality may by appropriate ordinance or resolution use the procedures set forth in §§ 68-221-208 and 68-221-209, for payment and collection of charges.

68-221-1109. Powers in addition to other municipal powers.

The powers conferred by this part are in addition and supplemental to the powers conferred by any other law, charter, or home rule provision.

68-221-1110. Permit conditions for discharges.

To the extent practicable, municipalities shall provide permit conditions for storm water discharges associated with industrial activities that are consistent with any permits issued pursuant to the National Pollution Discharge Elimination System (NPDES), unless the discharge contains hazardous substances in excess of reporting quantities, or the facility and the municipality are not in compliance with applicable provisions of the NPDES permits issued to them for storm water, or the discharge materially affects the municipal storm water facilities through either the quantity of wastewater or its contamination.

68-221-1111. Water quality regulation authority not limited by this part.

Nothing herein shall be construed to limit the power or authority of the department of environment and conservation or of the Tennessee board of water quality, oil and gas with respect to regulation of the waters of the state. Any ordinances or regulations adopted or imposed by municipalities shall be subject to regulation and oversight by the department of environment and conservation or the Tennessee board of water quality, oil and gas.

68-221-1112. Notice of federally mandated charges.

Any bill rendered as a result of this part shall contain the following statement with respect to the charges assessed under this part, which statement shall be printed in bold-faced type:
"THIS FEE HAS BEEN MANDATED BY CONGRESS."

68-221-1113. Annual report to state legislative delegation.

(a) The chief administrative officer of the agency or entity responsible for implementing this part or such officer's designated representative shall report annually and personally to the legislative delegation of any municipality to which this section applies on the storm water management program for which such officer is responsible. Such report shall include, at a minimum, the following:

- (1) The status of the storm water management program in such municipality;
- (2) The fee structure imposed to fund the implementation of this part and the adequacy of such fees to implement this part;
- (3) Any long-range plans which have been developed to implement this part;
- (4) The status of any projects to control storm water runoff;
- (5) The status of any condemnation proceedings pursuant to this part; and
- (6) Any other information deemed relevant by such officer or requested by the delegation.

(b) This section only applies to municipalities in counties having a population of not less than two hundred eighty-five thousand (285,000) nor more than two hundred eighty-six thousand (286,000), according to the 1990 federal census or any subsequent federal census. This section also applies to the municipality having the largest population in any county with a population of not less than three hundred thirty-five thousand (335,000) nor more than three hundred thirty-six thousand (336,000), according to the 1990 federal census or any subsequent federal census. This section shall also apply to the municipality having the largest population in any county with a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census.

BUDGET TRANSFERS

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
128 – Drug Court Grants	\$50,000.00	Recommended	4 – yes 1 - absent

COPY

BLOUNT COUNTY GOVERNMENT
BUDGET AMENDMENT REQUEST
FY 12/13

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE:

DEPARTMENT: Drug Court

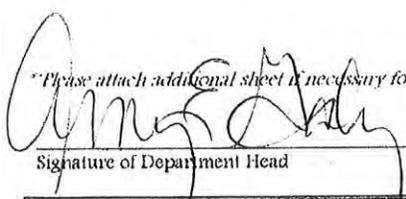
TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
128-46980	Other State Grants	50,000.00
Total transferred to:		50,000.00

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
128-47590	Other Federal Through State	-50,000.00
Total transferred from:		-50,000.00

Justification / Explanation:

Better allocating codes. This Grant is through State and not Federal.

** Please attach additional sheet if necessary for additional information.*


12-29-12

Signature of Department Head _____ Date _____ Signature of County Mayor _____ Date _____

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

BUDGET INCREASES/DECREASES

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
101 – Gen. County Sheriff	\$ 62,385.00	Recommended	4 – yes 1 – absent
141 – GPSF Instruct. Supplies	\$ 39,053.00	Recommended	4 – yes 1 – absent
189 – Other Cap. Proj. Edu. Cap. Proj.	\$150,000.00	Recommended	4 – yes 1 – absent
189 – Other Cap. Proj. Edu. Cap. Proj.	\$ 25,000.00	Recommended	4 – yes 1 – absent

RESOLUTION NO. 12-11-002

Sponsored by: Commissioners Steve Samples and Mike Lewis

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds for improvements on current firing range. The National Guard will be reimbursing Blount County.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 15th day of November, 2012 that the General County Fund Budget shall be amended as follows:

Increase Revenue Code:

101-0-47990-00004 Other Direct Federal Revenue\$62,385.00

Increase Expenditure Code:

101-91130-500707-54110 Building Improvements\$62,385.00

Duly authorized and approved this 15th day of November, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

BLOUNT COUNTY GOVERNMENT
BUDGET AMENDMENT REQUEST
FY 12/13

COPY

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE:

DEPARTMENT: Sheriff's Office

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-054110-500707 101-91130-500707-54110	Building Improvements	\$62,385.00

Total transferred to:

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-000000-47990-00004	Other Direct Federal Revenue	\$62,385.00

Total transferred from:

Justification / Explanation: -

THIS TN NATIONAL GUARD BUREAU IS REIMBURSING THE SHERIFF'S OFFICE TO IMPROVE OUR CURRENT FILING RANGE. SEE ATTACHED AGREEMENT AND AWARD CONTRACT.

Budget Committee

Date _____ Yes _____

___ Approved ___ Yes ___ No ___ Pass

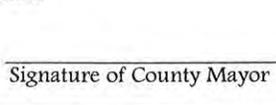
___ Recommended for ___ Yes ___ No ___ Pass
commission consideration

___ Declined ___ Yes ___ No ___ Pass

___ Tabled ___ Yes ___ No ___ Pass

___ Deferred ___ Yes ___ No ___ Pass

**Please attach additional sheet if necessary for additional information.

 Signature of Department Head 10/17/12 Date  Signature of County Mayor _____ Date

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

MILITARY CONSTRUCTION COOPERATIVE AGREEMENT [ANG]

AGREEMENT NO. W912L7-12-2-2101

PAGE 1 OF 34 PAGES

BETWEEN NATIONAL GUARD BUREAU AND THE BLOUNT COUNTY SHERIFF'S OFFICE OF
TENNESSEE

PROJECT TITLE: REPAIR FIRING RANGE

PROJECT LOCATION: MCGHEE TYSON AIRPORT, TENNESSEE (BLOUNT COUNTY SHERIFF'S OFFICE TRAINING FACILITY)

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EXECUTION

By executing this cooperative agreement, the parties agree to terms and conditions contained herein, including attachments.

In WITNESS WHEREOF, the parties hereto have executed this Cooperative Agreement

<p>[STATE COMMONWEALTH, TERRITORY, OR AIRPORT AUTHORITY]</p> <p>BY: <u>James L. Berrong</u> JAMES L. BERRONG BLOUNT COUNTY SHERIFF</p> <p>Date: <u>July 9, 2012</u></p>	<p>NATIONAL GUARD BUREAU</p> <p>BY: <u>William A. Hardin</u> WILLIAM A. HARDIN, Colonel, ARNG USPFO, TN</p> <p>Date: <u>23 Jul 2012</u></p>
<p>APPROVED AS TO LEGAL FORM:</p> <p>BY: <u>[Signature]</u> Blount County Counsel</p> <p>Date: <u>[Signature]</u></p>	<p>APPROVED AS TO LEGAL FORM:</p> <p>BY: <u>[Signature]</u> BRETT P. RYPMA, LTC, Judge Advocate</p> <p>Date: <u>19 Jul 12</u></p>
<p>IN ACKNOWLEDGEMENT</p> <p>BY: <u>[Signature]</u> TERRY M. HASTON, Major General, Adjutant General, TNARNG</p> <p>Date: <u>24 July 2012</u></p>	

AGREEMENT

THIS AGREEMENT, made this 27th day of Sept., 2012, by and between Blount County Government, hereinafter called "OWNER" and Jenkins and Stiles, LLC doing business as (an individual), (a partnership), or (a joint venture), hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

Article 1. WORK. The Contractor will perform all work as shown in the Contract Documents for the Completion of the Project generally described as follows:

Joint Firing Range

Article 2. ENGINEER: This project has been designed by:

C2RL, Inc. Engineers, Alcoa, TN,

who will act as the ENGINEER in connection with completion of the project in accordance with the Contract Documents.

Article 3. CONTRACT TIME. The work shall be completed in accordance with the attached project schedule, the date which the CONTRACTOR is to start the work as provided in the Contract Documents.

LIQUIDATED DAMAGES: If the Contractor shall fail to complete the Work within the time stipulated in this Agreement, including any extensions of time for excusable delays as provided for in the Supplemental General Conditions, the Contractor shall pay to the OWNER liquidated damages in the amount of lost revenue, fees, fines, expenses incurred, etc. for each day of delay, until the Work is substantially completed.

Article 4. CONTRACT PRICE. The OWNER will pay the CONTRACTOR for performance of Work and Completion of the Project in accordance with the Contract Documents, subject to adjustment modifications as provided therein, the sum of \$ 62,385.00 as shown in the Bid Schedule.

Article 5. PAYMENT PROCEDURES. The OWNER will make progress payments on account of the Contract Price as provided in the General Conditions as follows:

- 5.1 Progress and final payments will be on the basis of the CONTRACTOR'S Application for Payment as approved by the Engineer.

- 5.2 On or about the 25th day of each month during construction:
 90% of the Work completed, and
 90% of material and equipment not incorporated in the Work, but delivered and suitably stored, less in each case the aggregate of payments previously made.
- 5.3 Upon Substantial Completion, a sum sufficient to increase the total payments to the CONTRACTOR to 98% of the Contract Price, less retainages, as the ENGINEER shall determine for all incomplete Work and unsettled claims.
- 5.4 Upon final completion of the Work and Settlement of all claims, the remainder of the Contract Price.

Article 6. CONTRACT DOCUMENTS. The Contract Documents which comprise the contract between the OWNER and the CONTRACTOR are attached hereto and made a part hereof and consist of the following:

- 6.1 This AGREEMENT (Pages 1 to 3, inclusive),
- 6.2 EXHIBITS to this Agreement (Pages N/A to _____, inclusive),
- 6.3 CONTRACTOR'S Bid and Bid Bonds consisting of 7 pages.
- 6.4 Specifications consisting of:
 Instructions for Bidders (Pages 1 to 4, inclusive)
 General Conditions (Pages 1 to 42, inclusive)
 Supplementary Conditions (Pages _____ to _____, inclusive)
 Technical Specifications (Pages _____ to _____, inclusive)
- 6.5 Drawings and Plans are listed on the attached exhibit _____.
- 6.6 Addenda numbers 1 to _____, inclusive, and
- 6.7 Any Modifications, including Change Orders, duly delivered after execution of this Agreement.

Article 7. MISCELLANEOUS.

- 7.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions shall have the meanings indicated in the General Conditions.
- 7.2 Neither the OWNER nor the CONTRACTOR shall, without the prior written consent of the other, assign or sublet in whole or part his interest under any of the Contract Documents and, specifically, the CONTRACTOR shall not assign any monies due or to become due without the prior written consent of the OWNER.
- 7.3 The OWNER and the CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto in respect of all covenants, agreements and obligations contained in the Contract Documents.

7.4 The Contract Documents constitute the entire agreements between the OWNER and the CONTRACTOR and may only be altered, amended or repealed by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in quadruplicate each of which shall be deemed an original on the date first above written.

OWNER: Blount County Government
By: Teresa Johnson
Title: Purchasing Agent

CONTRACTOR: JENKINS + STILES, LLC
By: M. Todd Stiles / M. Jelliffe
Title: VICE PRESIDENT

(CORPORATE SEAL)
Approved 15 to CIM
Attest: [Signature]
By: _____
Title: _____

(CORPORATE SEAL)
Attest: _____
By: _____
Title: _____

RESOLUTION NO. 12-11-003

Sponsored by: Commissioners Mike Lewis and Ken Melton

A RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET.

WHEREAS, Blount County would like to amend the General Purpose School Fund Budget to appropriate funds for reimbursement of high cost special education students.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General Purpose School Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 15th day of November, 2012 that the General Purpose School Fund Budget shall be amended as follows:

Increase Revenue Code:

141-471430 Education of the Handicapped Act\$39,053.00

Increase Expenditure Code:

141-071200-500429 Instructional Supplies.....\$39,053.00

Duly authorized and approved this 15th day of November, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

**BLOUNT COUNTY GOVERNMENT
BUDGET AMENDMENT REQUEST
FY 12/13**

F.1.c

COPY

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

DEPARTMENT: Blount County Schools

<u>TO ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
141-071200-500429	Instructional Supplies	39053

Total transferred to:

<u>FROM ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
141-471430	Educ. of the Handicapped Act	39,053

Total transferred from:

Justification / Explanation: Revenues from State of Tennessee for reimbursement of high cost special education students was higher than \$150,000 budget, in part due to State's availability of additional funds from school year 10-11. These federal funds reimbursed to us must be budgeted and expended as general purpose school funds in the 71200 and/or 72220 series. See the attached letter from State Department of Special Education.

***Please attach additional sheet if necessary for additional information.*

Tracy Lopez 10-16-12
 Signature of Department Head Date Signature of County Mayor Date

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

"Approved By The Board Of Education" 11-1-12

Budget Committee
 Date _____ vote _____
 ___ Approved ___ yea ___ nay ___ pass
 ___ Recommended for ___ yea ___ nay ___ pass
 commission consideration
 ___ Declined ___ yea ___ nay ___ pass
 ___ Tabled ___ yea ___ nay ___ pass
 ___ Deferred ___ yea ___ nay ___ pass



COPY

BILL HASLAM
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
SIXTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

KEVIN HUFFMAN
COMMISSIONER

TO: Director of Blount County Schools

FROM:  Nan McKerley, Executive Director
Division of Special Education and Special Populations

SUBJECT: Additional Funds SY 2011-12 (High Cost)

DATE: September 26, 2012

A request was submitted to this office for reimbursement of high cost expenditures incurred during 2011-12 for special education students. In response, a request for a warrant from federal funds in the amount of \$ 189,052.78 was prepared and submitted to finance by this office on September 26, 2012. Due to the availability of additional funds, the State was also able to increase reimbursement of high cost expenditures from school year 2010-11. The additional reimbursement is included in the above total.

Please remember that federal funds are being used to reimburse your LEA for general purpose expenditures which provided high cost services to special education students. **These funds must be budgeted and expended as general purpose special education funds in the 71200 and/or 72220 series for audit purposes in 2012-13.** The LEA is required to provide documentation of such during federal monitoring of your IDEA program.

If you have any questions, please contact Kathi Rowe in this office at (615) 253-1987

nm/bt

cc: Kathi Rowe, Director IDEA Fiscal Management Services
Special Education Supervisor (s)
Martha Murray, IDEA Fiscal Management Consultant

RESOLUTION NO. 12-11-005

Sponsored by: Commissioners Steve Samples and Mike Lewis

A RESOLUTION TO AMEND OTHER CAPITAL PROJECTS FUND BUDGET.

WHEREAS, Blount County would like to amend the Other Capital Projects Fund Budget to appropriate funds for replacement of various HVAC units at five schools.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the Other Capital Projects Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 15th day of November, 2012 that the Other Capital Projects Fund Budget shall be amended as follows:

Increase Revenue Code:

189-48990-11126 Restricted Capital Fund Balance.....\$150,000.00

Increase Expenditure Code:

189-091300-500712-11126 Education Capital Projects.....\$150,000.00

Duly authorized and approved this 15th day of November, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

**BLOUNT COUNTY GOVERNMENT
BUDGET AMENDMENT REQUEST
FY 12/13**

F.1.d

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

COPY

DEPARTMENT: Blount County Schools

<u>TO ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
189-091300-500712-11126	Heating & Air Equipment	150000

Total transferred to:

<u>FROM ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
189-48990-11126	Restricted Capital Fund Bal.	150,000

Total transferred from:

Justification / Explanation: Use of Education Undesignated Capital funds to replace various HVAC units at WBHS Academy, Rockford, Lanier, EMS, and HHS Vocational. See attached memo documenting location and estimated costs.

***Please attach additional sheet if necessary for additional information.*

Troy Segen 10-16-12
 Signature of Department Head Date Signature of County Mayor Date

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

"Approved By The Board Of Education"

11-1-12

Budget Committee

Date _____ Vote _____

Approved yea nay pass
 Recommended for yea nay pass
 commission consideration
 Declined yea nay pass
 Tabled yea nay pass
 Deferred yea nay pass

Director of Schools
Mr. Rob Britt

(865) 984-1212
FAX (865) 980-1002



COPY

BOARD OF
EDUCATION

Chris Cantrell
John P. Davis, Jr.
Charles Finley
Brad K. Long
Dr. Don McNelly
Mike Treadway
Rob Webb

831 GRANDVIEW DRIVE
MARYVILLE, TENNESSEE 37803

Troy,

The following funds for replacement HVAC units need to be moved from unassigned capital to HVAC acct. # ~~141-072620-500712~~:

189 per phone call Troy 10-1-12

William Blount Academy

2 large units	\$38,250
1 office unit	5,000

Rockford

3 class units	16,500
---------------	--------

Lanier

2 auditorium	22,000
--------------	--------

EMS

1 gym unit	21,550
1 class unit	4,000

HHS

1 large unit (VOC)	<u>40,000</u>
--------------------	---------------

Total	\$147,300
-------	-----------

Please transfer a total of \$150,000

Thank you,

Gary Farmer

RESOLUTION NO. 12-11-010

Sponsored by: Commissioners Ken Melton and Steve Samples

A RESOLUTION TO AMEND OTHER CAPITAL PROJECTS FUND BUDGET.

WHEREAS, Blount County would like to amend the Other Capital Projects Fund Budget to appropriate funds for replacement of bleacher seating in Heritage High School gym.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the Other Capital Projects Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 15th day of November, 2012 that the Other Capital Projects Fund Budget shall be amended as follows:

Increase Revenue Code:

189-48990-11127 Restricted Capital Fund Balance.....\$25,000.00

Increase Expenditure Code:

189-091300-500799-11127 Education Capital Projects.....\$25,000.00

Duly authorized and approved this 15th day of November, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

**BLOUNT COUNTY GOVERNMENT
BUDGET AMENDMENT REQUEST
FY 12/13**

F.1.e

COPY

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

DEPARTMENT: Blount County Schools

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
189-091300-500799-11127	Other Capital Outlay	25000

Total transferred to:

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
189-48990-11127	Restricted Capital Fund Bal.	25,000

Total transferred from:

Justification / Explanation: Use of Education Undesignated Capital funds to replace bleacher seating in HHS gym.

***Please attach additional sheet if necessary for additional information.*

Troy Logan 10-25-12
 Signature of Department Head Date Signature of County Mayor Date

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

"Approved By The Board Of Education" 11-1-12

Budget Committee
 Date _____ Year _____
 ___ Approved ___ YES ___ NO ___ PASS
 ___ Recommended for commission consideration ___ YES ___ NO ___ PASS
 ___ Declined ___ YES ___ NO ___ PASS
 ___ Tabled ___ YES ___ NO ___ PASS
 ___ Deferred ___ YES ___ NO ___ PASS

RESOLUTION No. 12-11-007

Sponsored by Commissioners Gordon Wright and Gerald Kirby.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 15th day of November, 2012:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such regulations to address ridge-top and hillside development in the R-2 zone and the effect of such development on erosion control, soil stability, and the natural environment.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

That Section 7.3 introductory paragraph be amended to read as follows:

Section 7.3. Planned Unit Development. The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development. The following shall apply only to the S-Suburbanizing and R-1-Rural District 1 zones:

That Section 7.11.A be amended to read as follows:

A. In the R-1 – Rural District 1 zone and the R-2-Rural District 2 zone, the maximum density of vacation rental cabins shall be no greater than for single family density in the zone.

That Section 9.3.G be amended to read as follows:

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat, and (c) 20 feet if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road.

2. Rear Setback: the minimum building setback from the rear property line shall be 30 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

3. Side Setback: the minimum building setback from the side property line shall be 30 feet.

That Section 9.3.F be amended to read as follows:

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be three acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.33 units per gross acre.

That a new Section 9.3.I be added to read as follows:

I. It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

NOTICE OF PUBLIC HEARING. In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on November 6, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

In summary: Section 7.3 - amend provisions for Planned Unit Development to apply only to S and R-1 zones; Section 7.11.A - amend provisions for vacation rental cabins to conform to amended density in the R-2 zone; Section 9.3.G - increase minimum building setback in the R-2 zone to 30 feet from side and rear property boundaries with exception for front setback from roads of 20 feet setback if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road; Section 9.3.F - decrease minimum lot size and density to three acre minimum or 0.33 units per acre in the R-2 zone.

Add new Section 9.3.I to read: It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours. Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

APPROVED:

ATTEST:

Jerome Moon
Commission Chairman

Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor

AFFIDAVIT OF PUBLICATION
IN
THE DAILY TIMES

NOTICE OF PUBLIC HEARING

In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on November 6, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

In summary: Section 7.3 - amend provisions for Planned Unit Development to apply only to S and R-1 zones; Section 7.11.A - amend provisions for vacation rental cabins to conform to amended density in the R-2 zone; Section 9.3.G - increase minimum building setback in the R-2 zone to 30 feet from side and rear property boundaries with exception for front setback from roads of 20 feet setback if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road; Section 9.3.F - decrease minimum lot size and density to three acre minimum or 0.33 units per acre in the R-2 zone.

Add new Section 9.3.I to read: It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours. Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

APPROVED:
Jerome Moon
Commission Chairman

ATTEST:
Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor
October 22, 2012

State of Tennessee, County of Blount,
ss: Carl Esposito being duly sworn, deposes
and says that he is the Publisher of the Daily
Times, a newspaper published in Maryville,
Blount County, Tennessee and that the
notice hereto attached was published 1
consecutive days/weeks in said news-paper,
first publication date being
October 22, 2012, the last
publication date being October 22
2012.

Signed: Carl Esposito

Subscribed and sworn to before me this

22 day of Oct, 2012.

Notary Public: W. Leann Webb

My commission expires: 5-31-15



The Daily Times
P.O. Box 9740
Maryville, TN 37802-9740
(865) 981-1100

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Commission

FROM: John Lamb

DATE: September 28, 2012

SUBJECT: Revised Ridge-top and Hillside Regulations recommendation from Planning Commission.

A set of proposed amendments to the zoning regulations concerning ridge-top and hillside regulations was recommended by the Planning Commission to the County Commission January 2012. The County Commission held public hearing on the proposed regulations on April 12, 2012. The Agenda Committee subsequently referred the proposed regulations for legal opinion. Craig Garrett, Attorney for the County Mayor, provided his opinion in a confidential memo to the County Commission. The County Commission Agenda Committee at their July 10, 2012 meeting referred the matter back to the Planning Commission, and the legal opinion was shared. The Planning Commission assigned reconsideration to an ad hoc committee. The ad hoc committee met on September 13 and proposed changes indicated in the following text within boarders, being new wording for one of the preambles, and new wording for proposed new Section 9.3.I. The Planning Commission considered the changes at their September 27 regular meeting and voted to recommend a revised resolution text as attached to the County Commission. This item is open for consideration to set a public hearing.

OLD

WHEREAS, it is desired to amend such Resolution to address ridge-top and hillside development in the R-2 zone.

NEW

WHEREAS, it is desired to amend such regulations to address ridge-top and hillside development in the R-2 zone and the effect of such development on erosion control, soil stability, and the natural environment.

OLD 9.3.I. It is the intent of this sub-section to preserve vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots in the process of constructing and maintaining principal use and accessory structures shall be limited to that necessary to accommodate proper fire protection (Firewise program principles may be used), to accommodate access to and within the property, to accommodate extension of utilities, and to accommodate required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

NEW 9.3.I. It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906

Tel (865) 273-5750 - FAX (865) 273-5759

e-mail - planning@blounttn.org

on-line - www.blounttn.org/planning/

TO: County Commission

FROM: John Lamb

DATE: October 2, 2012

SUBJECT: Supporting information in relation to proposed Ridge-top and Hillside Regulations.

See separate memo concerning recommendation from the Planning Commission on new wording for the proposed Ridge-top and Hillside Regulations. In addition to proposed new wording, the confidential legal review suggested that supporting information relating to the purpose of erosion control, soil stability, and the natural environment should be presented as part of the record for consideration for the new regulations. The attached are offered to address that suggestion, and consist of excerpts from "Tennessee Erosion and Sedimentation Control Handbook" and "Blount County Land Use Plan: A Plan for Mountain Areas".

Excerpt from: “Tennessee Erosion and Sedimentation Control Handbook” Second Edition, Tennessee Department of Environment and Conservation, March 2002, pages xii to xiv, link on web at http://www.tn.gov/environment/wpc/sed_ero_controlhandbook/eschandbook.pdf

INTRODUCTION

Soil is formed when chemical, physical, and biological weathering processes break down underlying bedrock. It may take hundreds or thousands of years for one foot of soil to develop. Soils have properties like texture, structure, porosity, and chemistry that are determined by the parent bedrock material, but may also be influenced by the actions we take to alter the soil profile. Soil fertility, or the ability of soil to sustain life, is the product of a combination of those properties. The alteration or destruction of one or more of these properties may have serious adverse effect on the soil's ability to grow stabilizing vegetative cover.

Erosion is the detachment of a portion of the soil profile or soil surface. This can occur by either the impact of raindrops, or by the shear forces of water flowing across the soil surface. Soil particles can be transported a short distance (like the splash from a raindrop impact), or may be transported a longer distance (to the bottom of the slope, or into a water conveyance) before being deposited. The transport and deposition process is called sedimentation.

Erosion and sedimentation are natural processes. These processes occur daily, on all land, as the result of wind, water, ice, and gravity. However, the effect of natural erosion is usually only noticeable on a geologic time scale. The global average, natural geologic rate of soil erosion is about 0.2 tons per acre per year. This is approximately equal to the rate that soil is being created by the weathering of bedrock and parent material. Disturbance of the soil surface, including activities like construction, farming, or logging, greatly increases the amount of sediment loss from the site due to erosion. Soil loss from pastureland averages 1.5 tons per acre per year. Cultivated cropland can lose 20 tons per acre per year. Major land disturbances, such as mines or construction sites, can experience annual soil loss from 150 to 200 tons per acre. Erosion may occur unnoticed on exposed soil even though large amounts of soil are being lost. One millimeter of soil removed from an area of one acre weighs about five tons. Five tons of silty clay loam equates to about 4.5 cubic yards of soil. Lost soil is a lost resource of the property. Lost soil may carry off important nutrients needed for reestablishing effective, attractive vegetation after the site development is complete. If erosion is severe enough, soil might have to be brought in from other locations to regrade eroded areas, or to provide a suitably fertile growing medium for vegetation establishment.

Sediments that escape the site will eventually enter a stream or wetland. Solids suspended in the water column will interfere with the photosynthesis of plant life that form the base of the aquatic system food web. Sediments may carry other pollutants, in the form of metals, pesticides, or nutrients, into streams, or cause organic enrichment of streams, which also disrupts the food web. Suspended sediments increase the costs of drinking-water treatment for municipalities.

Sediment deposition changes the flow characteristics of a water body. These changes may result in physical hindrances to navigation or increased possibility of flooding. Deposits may actually cause further erosion within a water body if the deposit occurs at a critical spot. Sedimentation in wetlands can alter the hydrology or destroy hydric vegetation. Sedimentation that occurs in streams can cover up habitat that certain integral parts of the food web rely on. Certain types of soil particles actually bind to the gills of aquatic insects or fish. Sediment may also smother nesting sites for fish or amphibians, or cover mussel beds that filter significant quantities of pollutants from water that ultimately becomes our drinking water.

The average erosion from a designated area over a designated time may be computed by using the Revised Universal Soil Loss Equation (RUSLE). RUSLE is an erosion model developed by the U. S.

Department of Agriculture to help make good decisions in soil conservation planning. It is a set of mathematical equations used to determine what conservation practices might be applied to a landscape to reduce or limit the amount of erosion and sediment loss. The original application for RUSLE was agriculture, primarily cropland production. Subsequent revisions have widened the program's applicability to be useful to other land-disturbing activities like mining, forest management, and construction sites.

The four major factors that RUSLE uses to compute the amount of soil loss from a site are: climate, soil erodibility, topography, and land use. The important climatic variables are the amount of rainfall and the intensity of the rainfall. Soils differ in their inherent erodibility, which is based on the previously mentioned properties: texture, structure, porosity, and chemistry. Climate and soil information are obtained from regionally mapped or surveyed data. Climatic and soil variables are independent of the activities we undertake at a worksite, however, the length of time that a bare area is exposed to precipitation is considered within the climate factor of RUSLE and may considerably affect the soil loss from the worksite. In this way, phasing and sequencing the surface disturbing activities at a worksite reduces the total erosion and reduces the amount of sediment that must be controlled by other means.

Site topography, ground cover, and best management practice (BMP) use are the most variable factors in determining erosion. These three factors are also what we have control over. Slope length, slope steepness, and slope shape are the important components of topography. Much of the work done at construction sites is to change the slope length, steepness, or shape to make the property better suited for development. Obviously, the original vegetation must be disturbed to accomplish this work, however, ground cover is the single most influential variable in determining soil loss. The soil loss from a site that has been graded bare and has no BMP's in use may be 100 times the soil loss from the same site with an average stand of grass present. BMP's can reduce the amount of sediment leaving the site, but no single practice is 100% effective.

There are two types of BMP's. One type, **erosion prevention practices** are ground covers that prevent any of the types of erosion from occurring. Ground covers include vegetation, riprap, mulch, and blankets that absorb the energy of a raindrop's impact and reduce the amount of sheet erosion. Diversions, check dams, slope drains, and storm drain protection, while they may also trap sediment, are primarily used to prevent rill and gully erosion from starting. Rill and gully erosion are more difficult and expensive to repair, and result in greater volumes of sediment to control.

The second type, **sediment control practices** attempt to prevent soil particles that are already being carried in storm waters from leaving the site and entering streams or rivers. Silt fence, sediment traps, sediment basins, check dams, and even vegetative cover are sediment control practices. Of course, all BMP's must be chosen carefully, located and installed correctly, and maintained well to be effective at keeping sediment on a site.

It is important to note that a particular BMP may be an erosion prevention practice, or a sediment control practice, or it may serve both purposes at the same time.

Using RUSLE as our model, we can see that a combination of erosion prevention, consisting of leaving original vegetation whenever possible and reestablishing vegetative cover as quickly as conditions allow, as well as sediment controls, like clean water diversions, silt fences, and sediment basins can prevent sediment loss from a construction site (or any other site) during most storm events. We also see that leaving original vegetation in place for as much of the construction period as possible reduces the opportunity for a precipitation event that occurs to cause significant erosion and soil loss on a worksite.

Excerpt from: “Blount County Land Use Plan: A Plan for Mountain Areas” , approved by the Blount County Planning Commission, March 9, 1998, pages 4 to 11, link on web at <http://www.blounttn.org/planning/mountain%20area%20plan%201997%20with%20maps.pdf>

ANALYSIS

The 1976 plan developed a wealth of technical information and analysis which may be used as a starting point for addressing many of the above aspects of mountain area planning. Much of the following technical analysis on topography, geology and soils was taken from the 1976 plan analysis sections.

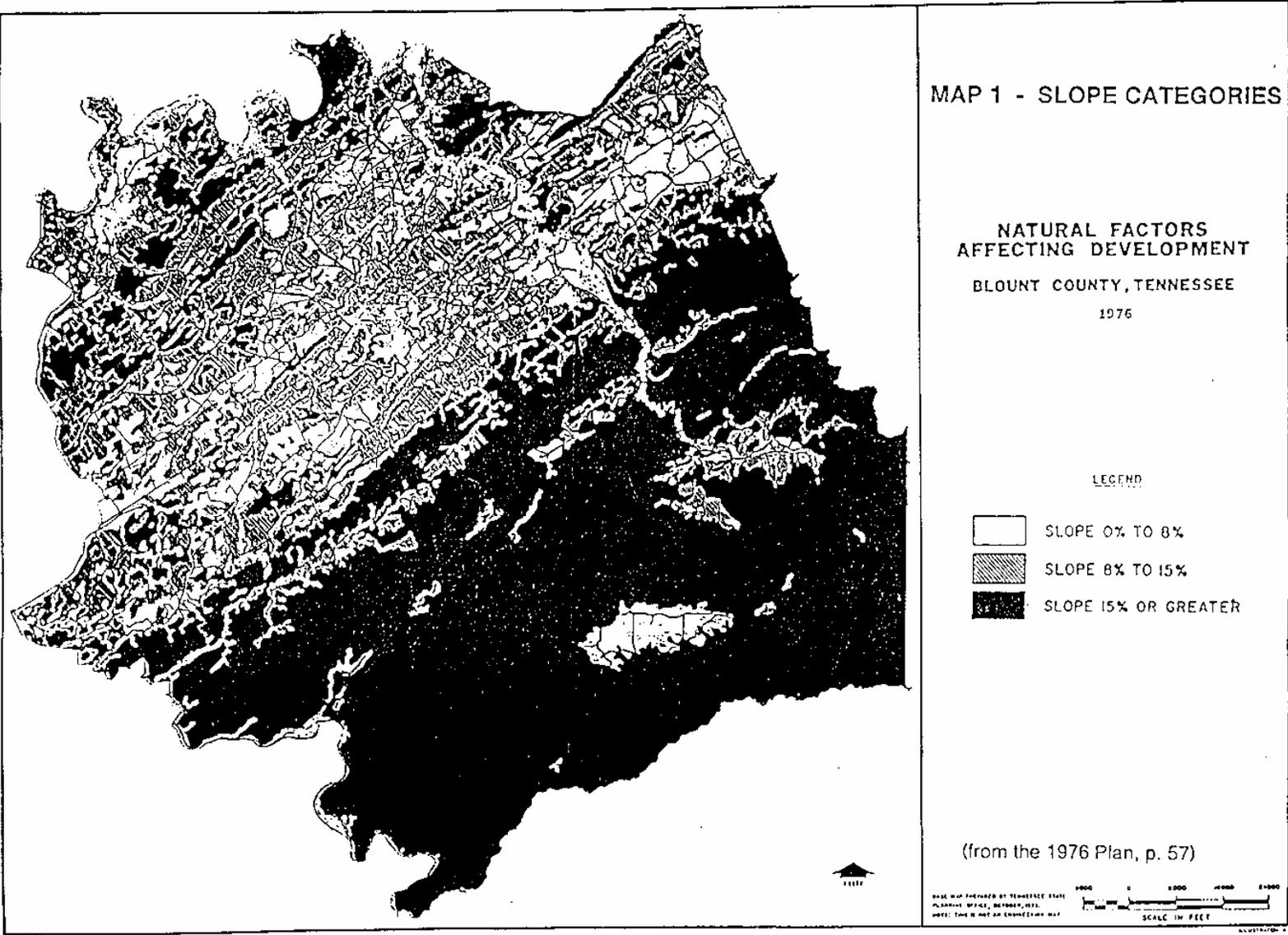
Topography. Mountain areas in the county are identified or defined by three main criteria. First is topography, or the elevation of the land. It is obvious from USGS topographic maps that certain parts of the county from Chilhowee Mountain range to the Great Smoky Mountains National Park reach elevations in excess of 2,000 feet which set these areas apart as different from the lower elevated land toward Maryville and Alcoa. Second is land form, which is directly related to topographic elevation but also considers the characteristic prominence of elevation from surrounding context. Again, there is a dramatic change in land form from the lowland hills and valleys to the prominent mountains of the Chilhowee Mountain range and other mountains into the Great Smoky Mountains National Park.

Also of importance in defining mountain areas is slope of land, or the relationship of vertical elevation of land over a horizontal distance. Slope may be measured in three ways - as angle, as ratio, and as percent slope. For planning purposes, the last measure is most commonly used. Percent slope places the relation between elevation and horizontal distance in whole number form. For example, for an elevation of 60 feet over a horizontal distance of 200 feet, the slope would be $60/200=.30$, or 30 percent. Using this measure, the 1976 plan (pp. 56-59) noted the following major slope categories for development.

Slope 0 - 8 %. Development and land use choices in this area may generally be made with limited attention to topographic factors. However, land use choices must respect other natural factors which influence the land's development capability. Special attention should be given to areas having less than 2 % slope in order that adequate drainage is provided.

Slope 8 - 15 %. The topographic characteristics of land in these areas usually pose no significant barriers to land use or development as long as other natural factors are respected. Land use and development should proceed with caution, however, because slope problems such as road grades, soil erosion, and drainage may occur, especially in the construction of roads. Development should occur in accordance with the basic standards described in the Subdivision Regulations.

Slope 15 % or greater. Land development in these areas is subject to many problems including steep road grades, sewerage disposal, soil erosion and landslides, availability of water, and even vehicular access to the building site.



Except for very low density residential development in some cases, it is recommended that development be restricted in these areas of extreme slope conditions. In cases where land owners wish to subdivide land in these areas, they should do so in accordance with the "Special Development Standards" established by the "Hillside Subdivision Regulations" of the Blount County Planning Commission. A detailed study of all the natural factors is recommended for these areas.

In addition to the above analysis from the 1976 plan, there are two other slope categories of importance to mountain area development planning.

Slope 30 % or greater. This slope is defined in the "Hillside Development Standards" of the Blount County Subdivision Regulations as undevelopable except when the subdivider can prove that development is feasible. This does not apply to division into tracts of five acres or greater, or to land which will be developed with no division involved.

Slope 50 % or greater. Septic fields can be approved on slopes up to 50 %. Thus 50 % or greater slope identifies an extreme classification of feasible development potential under present regulations.

Map 1 is taken from the 1976 plan and shows the extent of the first three slope categories above. The darkest shading highlights the mountainous region in the south of the county, generally from the Chilhowee Mountain range onto the Great Smoky Mountains National Park.

Slope Stability. The 1976 plan provides a detailed analysis of geological constraints to development in the county. In summary, the plan identifies two main geological associations, being the ridge and valley formations of the lowlands, and the Unaka Mountains. The 1976 plan (pp. 71-72) summarizes analysis of the mountain areas of the county as follows (emphasis added):

The Unaka Mountains are the high, rugged peaks and ranges in southern Blount County. The rocks are meta-morphosed sediments, and consist of slates, quartzites, and conglomerates, with minor limestones. These rocks are greatly folded and faulted, relatively tough and resistant and underlie the high ridges and mountains. They are generally lacking in available lime and so weather to produce acid soils. The steep slopes, high rainfall, and slow decay of the rocks result in generally thin soil cover, commonly with stone fragments in a humic clay. The slaty rocks have cleavages (partings) as a result of metamorphism and break up into slabs or thin sheets. All the rocks are thoroughly fractured. Water and roots penetrate these fractures, loosen the broken fragments, and start them moving down-slope. These conditions produce masses of unstable materials that if undercut, over-saturated, or denuded of vegetation may slide suddenly and with great force and possibly disastrous consequences. Many of the streams and wet weather drainage courses are marked by trains of bouldery material so formed. Cuts and structures through or located on such materials are extremely hazardous as are developments located down slope from these hazards.

These rocks are generally poor aquifers and yield only small amounts of water to wells. Most of the subsurface water flows along the soil-bedrock interface. Dug wells in places where soils are 10 feet or more thick may supply enough water for a household. Large-yield drilled wells are rare.

The 1976 plan thus documents hazards associated with slope stability in the mountain areas of the county, and also identifies two other constraints of thin soil cover and limited well water supply capability which are related to the geology of the area. Map 2 delimits (with shading) those geological associations identified as having poor capability for mountain development based on slope stability and other geological constraints.

Soils. Given that public sewer treatment is not a viable option in mountainous areas at present, and probably within the foreseeable future, private septic systems or leachate fields will be a necessary part of any development in the mountains of the county. For this reason, soils are of utmost importance in analysis for planning in such areas. As seen in the analysis under slope stability, soils are generally thin in mountain areas due to underlying geological characteristics. The 1976 plan (pp. 59-69) identifies six major soil associations present in the mountain areas as follows:

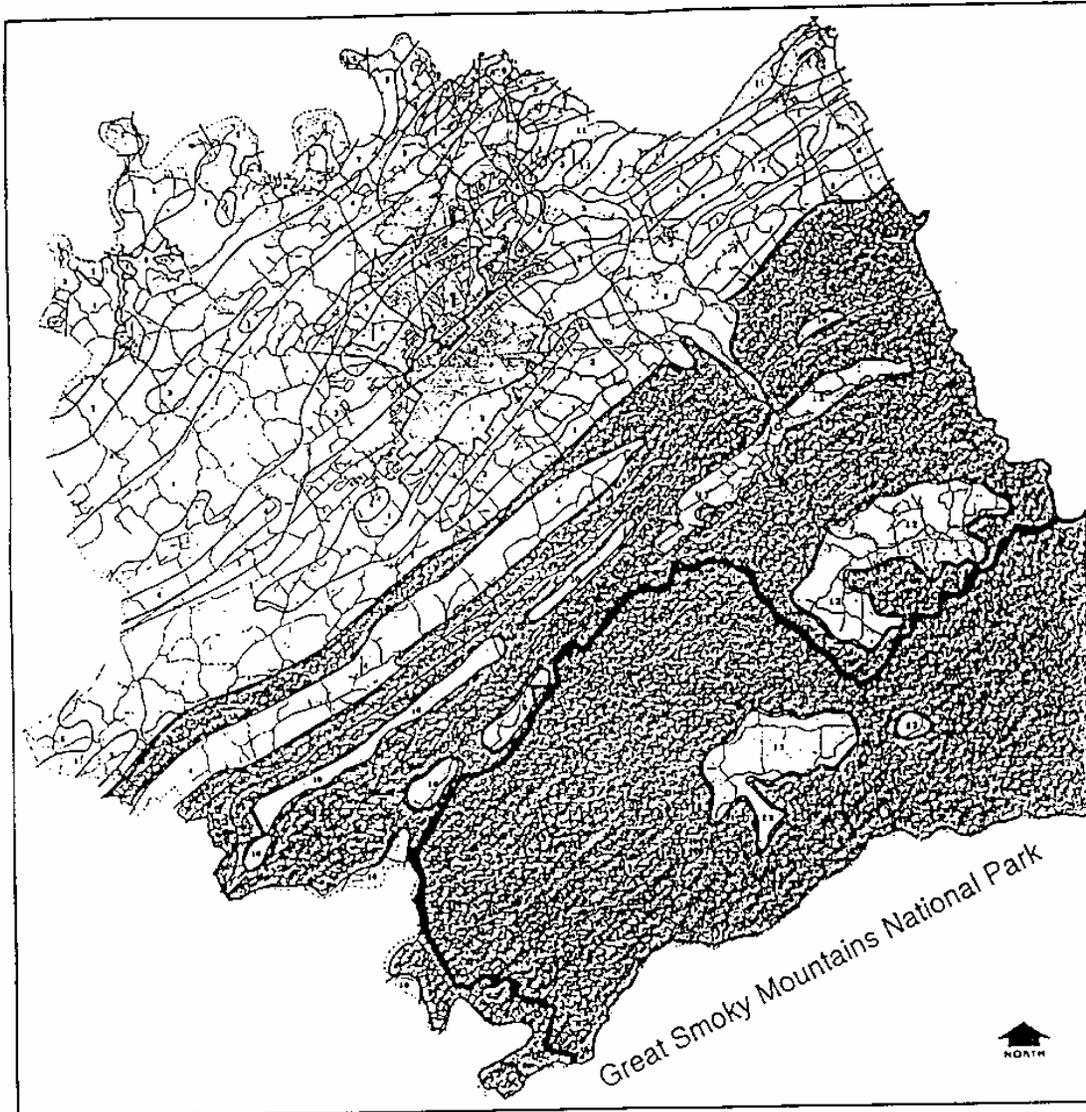
Ramsey Association: In general, housing is not recommended for this area. Septic tank systems, due to steep, shallow soils, do not function well. (Great Smoky Mountains, Chilhowee Mountains, other mountains in-between.)

Bland Association: In general this land is not suitable for housing or to septic systems, due to steep, shallow soils. (Little and Short Mountains in southwest of county)

Dandridge-Whitesburg-Hamblen Association: In general, this area is not suitable for housing or to septic tank systems due to steep, shallow, hillsides and wet bottom lands. (Knobs, downslopes of Short and Little Mountains in southwest of county, downslopes of Chilhowee Mountain north of Walland Gap.)

Tellico- Alcoa-Neubert Association: In general, the area is not suitable for housing or septic tanks due to steep slopes and shallow bedrock. There are some areas of gentle slopes with deeper soils, however, that may be suited for urban use. (Land either side of Six Mile and Old Piney Road.)

Jefferson-Montevallo Association: Except for the steepest parts, this area is suitable for housing. Septic tank systems will function in some of the area but the steeper and more stony areas often prevent proper functioning. (Happy Valley, parts of steep slopes of Chilhowee Mountains north of Happy Valley.)



MAP 3 - SOILS

Shaded areas delimit mountain soils with limited development potential.

SOIL RESOURCE AREAS BLOUNT COUNTY, TENNESSEE 1976

LEGEND

- 1 - BROWN-ALCANTARA-BONNIE
- 2 - BUNNELL-FAIR-LESTERDALE
- 3 - CROOK-LESTER-ANDALYN
- 4 - TAYLOR-ALLEN-HELENA
- 5 - CUMBERLAND-THOMAS-LEWIS
- 6 - FAY-SCOTT-LEWISDALE
- 7 - FAY-SCOTT-LEWISDALE-LEWISDALE
- 8 - BUNNELL-FAIR-LESTERDALE
- 9 - BROWN
- 10 - JEFFERSON-MONTECALVO
- 11 - LEWIS
- 12 - ALLEN-HELENA
- 13 - CUMBERLAND

SOURCE: U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

(adapted from the 1976 Plan, p.63)

THIS MAP WAS PREPARED BY THE SOILS UNIT
IN COMPLIANCE WITH THE NATIONAL
SOIL CONSERVATION ACT OF 1955

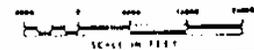


ILLUSTRATION 3

Allen-Hayter Association: Except for the steepest parts, this area is well-suited for housing and septic tank systems. (Millers Cove, Tuckaleechee Cove, and Cades Cove.)

Note that the first three soils associations are identified as not suitable for development. Map 3 highlights (with shading) those soils and shows that they are characteristic of most of the mountain area in the county from the Chilhowee Mountain range and into the Great Smoky Mountains National Park.

Infrastructure - Utilities. Public utilities such as, electricity, water and sewer are often necessary to make development feasible. Electricity can generally be provided to any development in the county. However, provision by means of poles can often mar a mountainside due to the poles and wires themselves, and due to the cutting of trees necessary to clear a path for the lines. Underground power lines are also an option, but face the problem of cutting into already hazardous geology.

Provision for utility water is generally not available at this time at extended mountain elevations due to limits of water pressure. Well water is often not feasible due to limits of aquifer recharge in the mountain geology. Leaching from private septic fields may also pose a problem for on site and down slope wells and springs.

Public sewer is not available to and generally not feasible in mountainous terrain. Private septic systems require disturbance of hazardous geology, construction in poor soils, and leaching into underground drainage flows which may cause health hazards down slope.

Infrastructure - Roads. There are several aspects of roads which are of concern in mountain area planning. Roads are difficult to engineer in mountainous terrain, and the cutting and filling required disturbs the already hazardous geology of the area. Road cuts divert and concentrate drainage on sensitive slopes, increasing hazards of erosion and land slides. Maintenance of roads is more expensive in mountainous terrain, especially for snow removal. Road cuts on mountain slopes require removal of vegetation and exposing of underlying rock that leaves highly visible disturbance to the natural viewscape. Existing roads leading into mountain areas are often of limited capacity for further development. Other aspects of roads are considered under access below.

Access. Existing access to mountain areas is often limited and constrained by road width. Public fire and emergency access is often constrained by narrow road width, excessive slope of roads, sharp cut-back curves, and remoteness of developed sites. Access to development parcels for construction and for driveways is often constrained on slopes perpendicular to main access roads. Although lowland road engineering design standards may be relaxed in mountainous terrain, construction of new roads often pushes the limits of reasonable access standards for slope and curve of roads. The frequent choice of private roads in mountainous terrain often poses problems of long term maintenance and limits to access for public services such as school buses.

Fire Hazard. Fire hazard is increased with introduction of development and other human activity into forested mountain areas. Remoteness of sites and limitation of both access and infrastructure capacity makes fire response difficult. Sloping land tends to intensify spread of fire due to generally higher winds and upslope drafts.

Natural Qualities. The mountains provide natural habitat for many species of plants and animals, particularly the bear population which ranges from the Great Smoky Mountains National Park over to the foot slopes of Chilhowee Mountain.

Aesthetics. The Chilhowee Mountain range provides a very important component of the mountain viewscape for most lowland development in the county. Chilhowee Mountain and other mountains in the county provide a very important viewscape not only for residents in the coves and hollows of the mountains, but also for the tourist industry in the county. Natural and uninterrupted ridgetops and uninterrupted steep side slopes of mountains are an especially important component of county viewscales.

Recreation/Open Space Values. Mountains have traditionally been a rural recreational resource for hiking, camping, nature observation and hunting. Open space is often lost to functional use due to fragmentation of parcels with development of mountains.

Historic Development. Any planning for mountain development should consider existing, historical development patterns which have generally not intruded onto steep slopes. Traditional values of contiguous, extended family homesites are common in the community and should be accommodated whenever possible. Existing parcels with formal plans, developed infrastructure, and intended for immediate development should be accommodated whenever possible.

RESOLUTION NO. 12-11-008

**SPONSORED BY COMMISSIONERS
RICK CARVER, ROY GAMBLE, PEGGY LAMBERT, KENNETH MELTON, AND
STEVE SAMPLES**

**A RESOLUTION AUTHORIZING AN ANIMAL TRANSFER AGREEMENT AND
THE BLOUNT COUNTY MAYOR TO ENTER INTO AGREEMENT WITH
VARIOUS ANIMAL RESCUE ENTITIES FOR THE PURPOSE OF
TRANSFERRING ANIMALS FROM THE BLOUNT COUNTY ANIMAL CENTER
TO VARIOUS ANIMAL RESCUE ENTITIES.**

WHEREAS, it is the desire and goal of the Blount County Animal Center to place eligible animals in permanent homes; and

WHEREAS, the Blount County Animal Center, from time to time, may have the opportunity to transfer animals in the Blount County Animal Center to various rescue entities; and

WHEREAS, to ensure the welfare of the animals being transferred, the Blount County Animal Center requests the rescue entity enter into an agreement with Blount County, Tennessee, and agree to certain requirements expressed by the Blount County Animal Center, in order to become eligible to receive animals from the Blount County Animal Center; and

WHEREAS, the County Attorney for Blount County has recommended that the Blount County Legislative Body approve an animal transfer agreement and the Blount County Mayor execute animal transfer agreements on behalf of the Blount County Animal Center.

NOW, THEREFORE, BE IT RESOLVED by the Blount County Board of Commissioners meeting in regular session on this the 15th day of November, 2012, that the Blount County Legislative Body hereby approves the attached Animal Transfer Agreement and the Blount County Mayor is hereby authorized to enter into agreement with various animal rescue entities for the purpose of transferring animals from the Blount County Animal Center to various animal rescue entities.

Duly authorized and approved the 15th day of November, 2012.

CERTIFICATION OF ACTION:

ATTEST:

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

CRAIG L. GARRETT

ATTORNEY AT LAW, PLLC

607 SMITHVIEW DRIVE
MARYVILLE, TENNESSEE 37803

PHONE: 865-984-8200
FAX: 865-981-2833

M E M O R A N D U M

TO: THE HONORABLE ED MITCHELL, BLOUNT COUNTY MAYOR
FROM: CRAIG L. GARRETT
RE: ANIMAL TRANSFER AGREEMENT
DATE: OCTOBER 25, 2012

I have reviewed the proposed agreement submitted for transfer of certain animals to various rescue entities. The agreement seems to be straightforward and it is my opinion that there would be no problem with the County executing the same. It is my opinion that the contract would need to be signed by you on behalf of the County rather than someone at the Blount County Animal Center.

To avoid any possible issues or confusion, I also think it would be a good idea to have this contact approved by the County Commission.

If you have any further questions, please feel free to contact me.



This Animal Transfer Agreement (this "Agreement") is entered as of the 23rd day of July, 2012 by and between **BCTN**, through the BCAC, a division thereof, and **Last Hope (MN)**, of Inver Grove, MN (the "Rescue"). This Agreement is effective upon signing by authorized designees of both parties and remains in force until the 23rd day of July, 2013 unless cancelled after thirty (30) days notice by either party.

WHEREAS, BCTN operates an animal care facility in Maryville, Tennessee known as the BCAC; and,

WHEREAS, the BCAC may place and the Rescue may accept, one or more agreed upon animals from BCAC's facilities with the Rescue for placement into permanent homes.

NOW, THEREFORE, in consideration of the foregoing premises and the terms, conditions and agreements contained herein, the parties agree as follows:

1. BCAC may, from time to time, offer to transfer ownership of certain of its animals to the Rescue for placement in permanent homes. To accept the offer, the Rescue shall notify the BCAC identifying the animal(s) the Rescue wants. BCAC shall notify the Rescue of the fees for the selected animal(s) prior to the transfer. Such animals accepted for transfer by the Rescue shall be the "Animals" in this agreement and all such transfers shall be governed by this agreement.
2. **BCAC** shall:
 - a. **Transfer ownership** to the Rescue of all Animals. Ownership of the Animals shall automatically transfer to the Rescue when the animals have been transported one-half the distance from the BCAC to the Rescue.
 - b. **Provide interstate Health Certificates** if the Animals are to cross state lines during transport to the Rescue.
 - c. **Provide vet records** for the Animals to the Rescue to verify that vaccinations are current and that heartworm tests have been performed when appropriate.
 - d. **Alter the Animals** before transport to the Rescue unless age or medical condition warrants otherwise, in BCAC's sole discretion.
 - e. **Disclose any known medical and behavioral issues.** (In a new environment, the Animals may exhibit behavior not seen at BCAC.)
3. **The Rescue** shall:
 - a. **Accept ownership** and responsibility of the Animals from BCAC when the animals have been transported one-half the distance from the BCAC to the Rescue.
 - b. **Ensure physical and emotional comfort** for the Animals while the Animals are in the Rescue's care by providing adequate fresh food and water, clean and dry bedding, shelter from the elements and daily exercise.
 - c. **Ensure veterinary care and treatment** as needed for the Animals while the Animals are in the Rescue's care, in addition to providing monthly heartworm preventative and ensure the Animals see a licensed veterinarian for exams and vaccinations annually.
 - d. **Ensure adherence to all applicable laws** governing control and custody of the Animals, including laws governing the immunizations of dogs and cats against rabies.
 - e. **Ensure acceptable placement** of the Animals. The Animals shall be adopted to persons that shall follow 2b-d of this Agreement. The Animals shall not be placed with adopters on restricted property where a "NO PETS" policy is enforced or where there is a potential that the Animals could be in harm's way or where the Animals may be abused or neglected.
 - f. **Ensure safe return** of the Animals back to BCAC if the Rescue dissolves or can no longer care for the Animals that are not yet adopted out by the Rescue.
 - g. **Allow BCAC to monitor** the care given to the Animals by email, phone, or in-person visits.
 - h. **Pay** any applicable fees to BCAC within 45 days of receiving invoice.
 - i. **Surrender** the Animals back to BCAC if any terms, conditions in this Agreement are violated.
4. **The Rescue** also:
 - a. Acknowledges that BCAC has limited knowledge about the Animals and that any KNOWN problems (medical or behavioral) have been disclosed.
 - b. Acknowledges that, after assuming ownership of the Animals as provider herein, it owns the Animals and is responsible for any future acts or illnesses of the Animals.
 - c. Releases BCAC from any future liability and assumes all risks associated with owning the Animals.
 - d. Holds BCAC harmless for any veterinary fees or damages caused by the Animals while owned by or in the care of the Rescue.
 - e. Holds BCAC harmless for any veterinary fees relating to the Animals accrued due to illness or injury while owned by or in the care of the Rescue.
 - f. Shall indemnify and defend BCTN and the BCAC, its officers, directors, employees and volunteers from and against any and all liabilities, claims, judgements, decrees, civil penalties and fines, damages, expenses and losses incurred by or asserted against BCTN or the BCAC relating to the Animals.

IN WITNESS WHEREOF, the Parties have executed this Agreement to become binding on the day, month, and year first stated above by attaching the signatures of authorized signers and their positions within their respective organizations.

Blount County, Tennessee

Last Hope (MN)

Signed: _____

Signed: _____

Name: _____

Name: _____

Its: _____

Its: _____

Memo

To: Blount County Commission
From: Building Commissioner
CC: Other commission members and staff
Date: 11/2/2012
Re: Setting of Public Hearing.

This is the corrected resolution for the commercial campground regulations, which were reviewed by the Blount County Planning Commission at their September 2012 meeting. The correction that was made in section 5.B. (1) was the distance campgrounds can be located on roads that directly intersect specifically listed arterial and collector status roads. I have included that section below as well as the action taken by the planning commission, taken from the minutes of the September 2012 meeting. A public hearing will need to be scheduled for this resolution.

- 1) Commercial campgrounds and recreational vehicle parks (campgrounds) shall be limited to specific areas deemed significant to tourism, generally the Highway 411 North corridor leading to Maryville, Highway 321 corridor leading to Townsend, and the Highway 129 corridor leading to Tallassee. With exceptions specified below, campgrounds will be limited to direct access on the following arterial and collector status roads: Highway 411 North from the Maryville city limits to the Blount/Sevier county line, Lamar Alexander Parkway (Highway 321) from Maryville city limits to the city limits of Townsend, Highway 321 from the Townsend city limits to the Blount/Sevier county line, Old Tuckaleechee Road around the southern boundary of Townsend, Old Walland Highway from intersection with Ellejoy Road to intersection with Melrose Bridge; Hwy 129 (Calderwood Hwy) from intersection with Six Mile Road to intersection with Happy Valley Road. For roads directly intersecting the above listed arterial and collector status roads, commercial campgrounds and recreational vehicle parks (campgrounds) may be permitted if direct access on such roads is within 3,000 feet of direct intersection with the arterial and collector status roads, and such roads meet standards of subsection 2 below.

Proposed Campground and RV Park Regulations.

The County Commission referred the Campground and RV Park Regulations back to the Planning Commission due to a clerical error in the Public Hearing and County Commission resolution. The incorrect resolution indicated that 5,000 feet was needed off the major arterial roadways instead of 3,000 feet. A corrected resolution was mailed to members for review prior to the meeting.

Commissioner Roddy made a motion to forward the Campground and RV Park Resolution to the County Commission with recommendation for approval, seconded by Commissioner Caldwell. Motion received unanimous approval.

RESOLUTION No. _____

Sponsored by Commissioners _____ and _____.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, BY ADDING A NEW SECTION 7.18 DESIGN STANDARDS FOR COMMERCIAL CAMPGROUND AND RECREATIONAL VEHICLE PARKS, AMEND SECTIONS 9.1B, 9.2B and 9.3B TO INCLUDE COMMERCIAL CAMPGROUND AND RECREATIONAL VEHICLE PARKS, AND AMEND SECTION 13 TO INCLUDE DEFINITIONS FOR CAMPING CABINS AND COMMERCIAL CAMPGROUNDS

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this _____, 2012:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such Resolution to provide an avenue to permit said use upon review and approval,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

1. That the following new Section 7.18 be added to the Zoning Resolution:

Section 7.18 – Commercial Campground and Recreational Vehicle Parks

The purpose of this section is to provide opportunities for quality designed commercial campgrounds and recreational vehicle parks that are properly located in the community where street access and capacity and other infrastructure are favorable for higher density development. In order to create a desirable recreational environment and protect the public health, safety, and welfare, site plans are required for all new commercial campgrounds and recreational vehicle parks. A commercial campground and recreational vehicle park shall meet the following regulations:

1. Minimum lot size requirement: The minimum development site for a commercial campground and recreational vehicle park shall be ten (10) acres.
2. Permitted uses and activities: The following uses, vehicles and activities shall be permitted in all commercial campgrounds and recreational vehicle parks.
 - A. Recreational vehicles, travel trailers, pick-up coaches, motor homes, camping trailers, camping cabins (not to exceed 25% of the total camp sites), and tents suitable for temporary habitation and used for travel, vacation and recreation purposes provided:
 - 1) Underpinning or the removal of wheels, except for the temporary purpose of repair or stabilizing is prohibited.

- 2) External structures permanently attached to the ground such as carports, or cabanas associated with individual campsites, shall not be permitted.

B. A recreational vehicle shall not remain in a recreational vehicle park for more than two hundred-ten (210) consecutive days in any three-hundred-sixty-five (365) day period except:

- 1) Vehicles owned and operated by seasonal camp workers shall be exempt from this requirement.
- 2) Storage of unoccupied recreational vehicles may be allowed in a designated storage area, with number of stored vehicles not to exceed 50% of total number of campsites, and shall not encroach on primary subsurface sewage disposal system, and shall be visually buffered from and public road, and shall be set back from lot lines by the required principle structure setbacks for the zone.

C. Camp Workers: Each commercial campground or recreational vehicle park may have campsites available for camp workers directly employed by the campground.

3. Accessory Uses: Management headquarters, toilets, dumping stations, showers, coin-operated laundry facilities, commercial uses exclusive to the park that cater to camp patrons only, and structures which are customarily incidental and subordinate to the operation of a commercial campground or recreational vehicle park are permitted as accessory uses to the park including covered picnic tables and pavilions, subject to the following restrictions:

A. Such establishments and parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park.

4. Prohibited uses and structures:

A. Mobile homes and mobile home parks,

B. Permanent residences, excluding the accessory use of a resident management structure.

5. Design standards for recreational vehicle parks and campgrounds. All commercial campgrounds and recreational vehicle parks shall meet the following requirements in addition to other requirements in specific zones.

A. Density. The maximum number of campsites shall be controlled through this section and environmental health department approval.

B. Access and location criteria:

- 1) Commercial campgrounds and recreational vehicle parks (campgrounds) shall be limited to specific areas deemed significant to tourism, generally the Highway 411 North

corridor leading to Maryville, Highway 321 corridor leading to Townsend, and the Highway 129 corridor leading to Tallassee. With exceptions specified below, campgrounds will be limited to direct access on the following arterial and collector status roads: Highway 411 North from the Maryville city limits to the Blount/Sevier county line, Lamar Alexander Parkway (Highway 321) from Maryville city limits to the city limits of Townsend, Highway 321 from the Townsend city limits to the Blount/Sevier county line, Old Tuckaleechee Road around the southern boundary of Townsend, Old Walland Highway from intersection with Ellejoy Road to intersection with Melrose Bridge; Hwy 129 (Calderwood Hwy) from intersection with Six Mile Road to intersection with Happy Valley Road. For roads directly intersecting the above listed arterial and collector status roads, commercial campgrounds and recreational vehicle parks (campgrounds) may be permitted if direct access on such roads is within 3,000 feet of direct intersection with the arterial and collector status roads, and such roads meet standards of subsection 2 below.

- 2) Location of campgrounds shall be limited to offsite roads with at least 18 foot wide pavement with 2 foot shoulders.
- 3) Entrances and exits to the campgrounds shall be designed for safe and convenient movement of traffic into and out of the park and to minimize traffic conflict and facilitate free movement of traffic on adjacent streets. All traffic into and out of the park shall be thru such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Curb radii, driveway cut and placement at intersections shall have a minimum of fifty (50) feet turning radius and exits shall be designed to allow ingress and egress simultaneously.
- 4) A deceleration lane may be required to entrance of the campground if recommended by the Blount County Highway Department or the Tennessee Department of Transportation (TDOT). When a deceleration lane is proposed to be located off a state right-of-way, the deceleration lane is subject to review and approval by the Tennessee Department of Transportation. When a deceleration land is proposed to be located off a county maintained right-of-way, the deceleration lane is subject to review and approval by the Blount County Highway Department.

C. Internal Roadways. All internal roadways shall meet the following requirements:

- 1) Internal roadways shall be maintained so emergency vehicles can safely access all areas of the site.

- 2) All interior roadways shall be constructed with an adequate, well-drained base and be surfaced with a minimum four (4) inches of gravel. Roadway grades shall not exceed ten (10) percent for gravel roads and thirteen (13) percent for paved roads.
- 3) An erosion control plan shall also be required.
- 4) All internal roadways shall have a minimum width of no less than fourteen (14) feet for one-way traffic and no less than eighteen (18) feet for two-way traffic.

- D. Check-in Facility. Designate on the site plan a central vehicle check-in facility with the queuing capacity for a minimum of three (3) recreational vehicles, to insure check-in does not become congested.
- E. Parking for workers and guests. Parking spaces shall be provided for the manager and camp workers. A minimum of one (1) guest parking space shall be provided for every five (5) campsites.
- F. Sewage Disposal. All campgrounds will be required to be connected to a public sewer system or have a subsurface sewage disposal system approved by the Blount County Environmental Health Department.
- G. Any site plan shall address provision for fire service with fire hydrants and adequate access for emergency vehicles within the development.
- H. Any site plan shall address garbage service, particularly if common receptacles are used in which case screening of receptacles shall be required.
- I. Fire Pits. Campfires shall only be permitted in designated fire pits.
- J. Lighting and Noise. All campgrounds shall be designed to meet the current outdoor lighting standards found in section 7.15-D. All campgrounds should conduct business in accordance to any existing noise laws within the county.
- K. Buffering. Any site plan shall include a buffer along all side and rear property boundaries. The buffer shall be a solid fence 8 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches.
6. Design Requirements for Recreational Vehicle Campsites and Tent Campsites.
- A. Recreational Vehicle Campsite.
- 1) All recreational vehicle campsites shall have a minimum of 1,400 square feet.
 - 2) A recreational vehicle campsite shall be designed so there is a minimum of ten (10) feet between recreational vehicles.

- 3) Each campsite shall contain a stabilized vehicular parking pad.
- 4) No building or storage sheds are permitted on individual recreational vehicle campsites.
- 5) Recreational vehicle campsites shall include a minimum of one (1) automobile vehicle parking space with minimum dimensions of ten (10) feet by twenty (20) feet.
- 6) Each campsite shall abut at least one internal roadway within the boundaries of the Recreational Vehicle Park and campground. Ingress and egress to the campsite shall be limited to an internal roadway.
- 7) RV campsites shall be set back at least twenty-five (25) feet from any stream bank, and at least fifty (50) feet from the bank of the Little River.

B. Tent Campsite.

- 1) All tent campsites shall have a minimum area of 1,400 square feet.
- 2) Tent campsites shall include a minimum of one (1) automobile parking space with minimum dimensions of ten (10) feet by twenty (20) feet.
- 3) Each campsite shall abut at least one internal roadway within the boundaries of the Recreational Vehicle Park and campground. Ingress and egress to the campsite shall be limited to an internal roadway.
- 4) Tent campsites shall be set back at least twenty-five (25) feet from any stream bank, and at least fifty (50) feet from the bank of the Little River.

C. Camping Cabin sites.

- 1) All camping cabin sites shall have a minimum area of 1,400 square feet.
- 2) A camping cabin site must be designed so there is a minimum of twenty (20) feet between camping cabins.
- 3) No storage sheds are permitted on an individual camping cabin site.
- 4) Camping cabin sites shall include a minimum of one (1) automobile vehicle parking space with minimum dimensions of ten (10) feet by twenty (20) feet.
- 5) Each campsite shall abut at least one internal roadway within the boundaries of the Recreational Vehicle Park and

Campground. Ingress and egress to the campsite shall be limited to an internal roadway.

- 6) Camping cabin sites shall be set back at least twenty-five (25) feet from any stream bank, and at least fifty (50) feet from the bank of the Little River.

D. All campsites shall be designed in conformity with the Floodplain Regulations if within a flood zone.

2. That sections 9.1B, 9.2B, and 9.3B be amended to add campgrounds and recreational vehicle parks as special exceptions as follows:

9.1 B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, high density multifamily planned development (see also Subsections F and I below); family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; bed and breakfast accommodations; golf driving range; *commercial campgrounds and recreational vehicle parks (see also section 7.18)*; and accessory structures customarily associated with the above uses.

9.2 B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; sawmills and associated lumberyards; bed and breakfast accommodations; golf driving range; vacation cabin rental (see also section 7.11); *commercial campgrounds and recreational vehicle parks (see also section 7.18)*; and accessory structures customarily associated with the above uses.

9.3 B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot, and their associated sales or rental offices for the development (see also Section 7.6), family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; *vacation cabin rental (see also section 7.11)*, tourist accommodations, bed and breakfast accommodations, tourist oriented recreation facilities; day care facilities;

commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; sawmills and associated lumber yards; **commercial campgrounds and recreational vehicle parks** (see also section 7.18); and accessory structures customarily associated with the above uses.

3. That the following definitions be added to Section 13 of the zoning regulations:

***Camping Cabin;** small cabins located within a campground that are intended for temporary shelter, and includes sleeping quarters, in some cases a bathroom, but no kitchens.*

***Campgrounds or Commercial Campground and Recreational Vehicle Parks;** the area or place (as a field or grove) used for a camp, for camping, or for a camp meeting, and is conducted as a commercial business, or associated with private groups, clubs or churches.*

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

GORDON E. WRIGHT, SR.
Blount County Commissioner
District 8 - Seat B
6268 E. Lamar Alexander Parkway, Walland, TN 37886
Phone – 865-983-7413

MEMO

TO: Blount County Board of Commissioners
FROM: Commissioner Gordon Wright
RE: Laurel Lake (Progress Report)
DATE: October 31, 2012

As you probably know, one of Blount County's beautiful assets was closed, Laurel Lake. Through a system of events, the lake was turned over to the State of Tennessee. Valid or not, the State had some concerns about the dam, of which they breached and drained the lake. The property was then turned over to Blount County.

In 2009, an effort was made to clean up this now-existing eyesore. A lot of progress was made by volunteers. In 2011, a committee formed of myself, Doug Overbey, Art Swann, Byron Begley (Chairman), Ed Mitchell, City of Townsend, Steve Fritts (Engineer) and several members of Blount County. So far, we have met with and obtained the support of Senator Lamar Alexander, Congressman John Duncan, Jr., Representative Art Swann, Representative Bob Ramsey, City of Maryville, City of Alcoa, City of Townsend, Laurel Valley Homeowners Association, U.S. Corps of Engineers, TDEC, the Blount County Chamber of Commerce, and tremendous support from the general public.

Concept Plans and feasibility have been done and applications for permits are now in the process of being applied for. These plans consist of youth activities, educational events, and a host of other activities for everyone.

Our goal is to re-establish Laurel Lake Youth Camp, since deed restrictions mandate that this is the only thing we can do with the property. All this is to be done without using taxpayer's money.

Please support us in our effort to turn an eyesore liability into a beautiful asset for Blount County.

GW/rp