

**SCOTT FISCAL COURT
ORDINANCE NO. 99-04**

**AN ORDINANCE RELATED TO THE AMENDMENT OF ARTICLE XI
OF THE SUBDIVISION REGULATIONS GOVERNING
SITE PREPARATION STANDARDS AND GRADING PLANS**

WHEREAS, in order to maintain the public protection and safety, it is necessary to amend the Subdivision Regulations from time to time to maintain current standards for the development of property within the County;

WHEREAS, the provisions set out below will better enable the Planning Commission to regulate the site preparation and grading necessary to the development of property while protecting the public without overly burdening the development community; and

WHEREAS, the following provisions were approved by the Planning Commission after public hearing in accordance with KRS Chapter 100 and 424.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE SCOTT COUNTY COURT, as follows:

SECTION ONE: AMENDMENT OF SUBDIVISION REGULATION ARTICLE XI SECTION 1100: The Subdivision Regulation, Article XI, Section 1100 is amended as follows: [Stricken language is removed and no longer a part of the Ordinance. Underlined language is the text of the amendment. Unchanged language is not marked.]

ARTICLE XI
SITE PREPARATION STANDARDS

GRADING STANDARDS

A. General

1. No physical disturbance shall occur on any site proposed for subdivision or development, including quarries, borrow pits and mineral processing facilities, but not including single family dwelling construction, unless a grading plan and a

water quality protection plan have been submitted to and approved by the Planning Commission Engineer.

2. The initial construction on any site shall be implementation of the approved water quality protection plan, unless otherwise authorized in writing by the Planning Commission Engineer.

[The following is stricken from the Ordinance.]

Water Quality Protection Plan Format, Contents and Standards

The water quality protection measures shall conform to erosion and sediment control provisions in the Soil Conservation Service Handbook dated November, 1969, and to the Specifications for Soil Erosion and Sediment Control in Urbanizing Areas, which is hereby incorporated in this ordinance by reference. Supplemental reports, data and verification information may be required by the Commission Engineer where necessary to demonstrate that the standards are met.

The water quality plan and specifications shall include the following, except where specifically waived by the Commission Engineer.

Existing contours with intervals of not more than two (2) feet where the slope is less than ten percent (10%).

Location of the following:

- i. All areas where ground will be disturbed showing nature of the disturbance.
 - ii. Soil type in those areas.
 - iii. Proposed location of stockpiled stripped topsoil which shall not be in a natural drainage way nor in close proximity to neighboring properties.
- c. Specific proposed temporary water quality protection / erosion control measures during construction which shall include but not be limited to silt fence installed down hill perimeter of the disturbed area and check dams in outlet channels (See Sec. B.11).
- d. Specific proposed permanent water quality protection / erosion control measures during the life of the facility, including locations and specifications for vegetation or crushed stone.

e. Specific method of disposal of excess cut or fill and construction debris (See Standard C.2.a.vi below).

f. The Applicant's Certification stating that all land clearing, construction and development shall be done pursuant to the approved plan.

3. The required temporary improvements shall remain until removal is authorized in writing by the Commission Engineer. See Article VI for long term maintenance and bonding requirements.

[The following is being inserted to replace the above stricken text.]

B. SOIL EROSION AND SEDIMENT CONTROL - significant erosion results from rainfall and runoff over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes and lack of vegetative cover. These conditions are in part caused or aggravated by improper construction, grading, or excavation practices which fail adequately provide for erosion control.

This section of the Regulations is designed to reduce soil erosion in the Georgetown/Scott County Planning Area, and to provide procedures for submission, review, and approval of erosion control plans.

SCOPE OF COVERAGE - The following are included within the scope of these regulations: All persons submitting subdivision or development plans must include a statement with the preliminary or minor plat stating that no grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. The erosion control plan will be submitted along with the preliminary plat, or minor plat if applicable.

EXCEPTIONS No erosion control plan shall be required. for the following:

1. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.

2. Individual single-family residential lots.

3. Accepted agricultural land management practices such as plowing, cultivation, construction or agricultural structures, nursery operations such as the

removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings to or above existing root mat intact.

4. Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels.

5. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines of other public service facilities.

6. Subdivision for which a preliminary or final plat is approved prior to the effective date of this regulation.

ADMINISTRATIVE PROCEDURES. Applications for approval of an erosion control plan shall be submitted to the Georgetown-Scott County Joint Planning Commission and forwarded to the Scott County Soil and Water Conservation District for review and recommendations. The application shall contain the applicant's name and address and other relevant information required on the application forms provided. It shall also contain a proposed erosion control plan containing the information required by Section (X) (this section struck with margin note "below"). The plan shall be designed as suggested in the Kentucky Division of Conservation and the Division of Water handbook dated August, 1994, Kentucky Best Management Practices for Construction Activities. The application must be signed by the owner of the property or any authorized agent, and the erosion control plans must be certified by a registered professional engineer or licensed landscape architect if submitted in association with a major subdivision or development plan.

The erosion control plan shall be reviewed by the Scott County Soil Conservation District Erosion Control Committee or their designated agent. The Scott County Soil Conservation District will review these recommendations for incorporation into the development report which is submitted to the Planning Commission. Upon approval of the plan by the Planning Commission, the developer can begin work.

CONTENTS OF THE SOIL EROSION PLAN: The following information must be included in the Soil Erosion Plan:

1. The erosion control plan shall be drawn at a scale of 1" - 100' (or less) indicating (a) the site location as well as the adjacent properties; and (b) identification of any structure for natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls. If

the development is to be in states, the plan shall cover the entire tract to be developed.

2. Property boundary bearings and distances for the site on which the work is to be performed.

3. The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.

4. Existing topography at contour intervals not exceeding ten (10) feet; five feet where conditions warrant.

5. Location and identification of any proposed additional structures of development on the site, except single-family and two-family residential structures and their accessory structures in a subdivision (if applicable).

6. Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, antierosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.

7. Plans for removal, re-contouring or other final disposition of sediment basins or other structural improvements or devices included in the plan.

8. If a sedimentation basin is required, it should be designed by certified engineers in accordance with the Soil Erosion and Sediment Control Guidelines for Scott County.

PRINCIPLES TO BE CONSIDERED IN REVIEWING APPLICATIONS.

1. The erosion control plan should relate to the specific site conditions.

2. The plan should keep land grading and land disturbance to a minimum under the circumstances.

3. Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading.

4. To prevent soil-erosion existing, temporary and future protective vegetative cover should be emphasized.

5. The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure erosion.

6. Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.

7. The plan should utilize available technology to keep soil erosion to a minimum level.

SPECIAL CONDITIONS ATTACHED TO PLANS- Upon consideration of the factors listed above and for the purposes of this ordinance, conditions may be attached to the approval of erosion control plans. It is intended that these conditions be added to a plan for certain areas or problems to provide two basic results; (1) that during project construction, off-site and on-site siltation and erosion be minimized; and (2) that after project completion, the total erosion control plan will be effective so as to preclude all significant on-site erosion.

BONDING REQUIREMENTS

The cost of compliance with the erosion control plan shall be included in the bond or irrevocable letter of credit. A registered engineer shall estimate the cost of compliance with the approved soil erosion plan and shall include this amount in computing the total of the performance bond or other approved surety as required in these regulations. At such time that the developer has completed the approved soil erosion plan specified in the bond guarantee or other approved surety, that portion of bond or other surety shall be released upon certification the Code Enforcement Officer.

In the event of failure to complete work or failure to comply with all requirements, conditions, and terms of the permit or plan, the Code Enforcement Officer or Planning Commission Engineer may order the stoppage of work; the Planning Commission Engineer may order such work as in its opinion, is necessary to eliminate any dangerous conditions or to achieve compliance with the intent of this ordinance; the Planning Commission Engineer may instruct the Division of Building Inspections to refuse to issue any additional building permits.

The permittee shall continue to be firmly bound under the continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the Planning Commission in causing the work to be done. In cases where there is no bond or other surety posted, the Fiscal Court or City Council of the relevant jurisdiction shall put a lien on the property to cover necessary costs of complying with the ordinance where (1) the permittee fails to

complete the work or comply, and the final plan has not been approved, or (2) where the erosion control plan has been approved in association with the development plan, and the work outlined in an approved erosion control plan has not been completed to the satisfaction of the Planning Commission Engineer or Building Inspector.

In cases where a permittee fails to comply with an approved erosion control plan and there is a bond or other surety posted, the Planning Commission Engineer shall estimate the cost of complying with the erosion control plan and draw that amount from the bond or irrevocable letter of credit to insure the timely completion of the work if the permittee fails to do so after receiving notification to complete the work within 20 days from the date of the letter.

C. Grading Plan Format, Contents and Standards

1. The Grading Plan shall contain the following unless specifically excluded by the Planning Commission Engineer:

- a. Existing and proposed contours and their intervals (not greater than two feet), including slope ratios in areas greater than 3:1.
- b. Existing and proposed spot elevations at intersections, finish floors (for development plans), high points, low points, and other points necessary to show effectiveness of grading, drainage, and tree preservation where proposed).
- c. A two-foot grading setback from property lines.
- d. Location of existing fill.

2. Grading pursuant to an approved Grading Plan shall conform to the following standards;

a. Materials:

- i. Topsoil shall be removed from all areas to be disturbed;
- ii. The natural ground surface shall be prepared to receive fill by removing any vegetation or non-forming fill;
- iii. No fill or cut or operation of heavy equipment shall occur within the drip line of the existing trees designated to be preserved;
- v. Topsoil moved during the course of construction shall be redistributed on all exposed unpaved areas to provide an even

cover and shall be stabilized by seeding, planting, or mulch within 21 days.

vi. Excess cut or demolition debris shall not be deposited in a natural drain way, sinkhole, or in the Creek Conservation Corridor. Water quality protection measures shall be implemented on all offsite storage sites within the control of the developer.

b. Fill:

i. No organic material or topsoil shall be permitted in the fill;

ii. No rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fill unless approved by the Planning Commission Engineer;

iii. Fill, including pre-existing fill, shall be compacted in no greater than one-foot layers to a minimum of 95% of maximum density (ASTM, 99, current) when supporting structures or streets are to be constructed on the fill or if that compaction is necessary as a safety measure to aid in preventing the saturation, slipping, or erosion of the fill;

iv. No surface drainage shall be conveyed over fill.

c. Slope stability:

i. Cut slopes shall not exceed 2:1 without a retaining wall, unless benched into sound bedrock or other component material, or unless it can be demonstrated that the slope is stable through bedrock outcrop or similar condition.

ii. No compacted fill shall be made which **creates exposed surface steeper** than 2:1:

iii. Filling shall not be permitted on natural slopes steeper than 2:1 unless an analysis proving the stability of the soil is submitted to and approved by the Planning Commission Engineer.

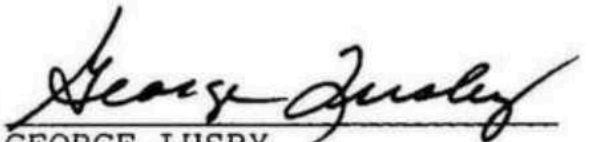
iv. On slopes exceeding 25% (15 degrees), special engineering requirements consistent with accepted engineering practices may be

required. This shall also apply to soils with an excessive shrink-swell factor.

v. Where streets, foundations, or other load bearing structures are located adjacent to creek banks or extremely steep slopes, the minimum setback of the load bearing portion of the structure shall be a 2:1 projection from the toe of slope. Certification by a soils or foundation engineer is required for a setback variance. The Commission Engineer may require a specialized study where geologic, soil, or bank erosion conditions may necessitate a greater setback.

The foregoing Ordinance was introduced and read for the first time at the Fiscal Court's regular meeting on **May 3, 1999** , and for the second time, adopted and approved, at the Fiscal Court's regular meeting on **May 27, 1999** .

SCOTT FISCAL COURT

BY: 
GEORGE LUSBY
SCOTT JUDGE EXECUTIVE

ATTEST:


MARTHA NECLERIO
CLERK

ord99-04