ORDINANCE NO. 04-30

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY UPDATING THE SUBDIVISION REGULATIONS OF THE MADISON COUNTY OFFICE OF PLANNING AND DEVELOPMENT.

WHEREAS, the Madison County Planning Commission held a public hearing on May 18, 2004 for the purpose of amending the Subdivision Regulations, and approved the following recommendation for changes;

WHEREAS, the Madison County Fiscal Court authorizes the Madison County Office of Planning and Development to change and/or update the Subdivision Regulations, adding Section 310.4 as appropriate.

WHEREAS, Section 310.4, makes provisions for proper erosion control measure to be put in place during development in accordance with Division of Water, Natural Resources and Environmental Protection Cabinet, guidelines established in the "Kentucky Best Management Practices for Construction Activities " manual;

SECTION I

See Section 310.4 through 310.7 attached.

SECTION II

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statues.

DATE OF FIRST READING: June 8, 2004

MOTION BY: Billy Ray Hughes

SECONDED BY: William Tudor

VOTE:	**YES**	**NO**
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE BILLY RAY HUGHES	✓	

DATE OF SECOND READING: June 22, 2004

MOTION BY: Billy Ray Hughes

SECONDED BY: Roger Barger

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE BILLY RAY HUGHES	✓	

MADISON COUNTY JUDGE EXECUTIVE

Attest: Catherine E Hubbard

MADISON COUNTY CLERK

310.4 SOIL EROSION CONTROLS

Many people may be adversely effected from small areas of land undergoing construction and development. Unplanned water disposal and uncontrolled erosion and sediment from those areas may cause considerable damage to individuals and society in general.

Significant erosion results from rainfall and runoff over unprotected soil. The lack of vegetation cover, intense rainfalls, long slopes, and steep slopes increases erosion problems. These conditions are in part caused or aggravated by improper construction, grading, or excavation practices which fail to adequately provide for erosion control.

This section of the Regulations is designed to reduce soil erosion in the Madison County Planning area, to provide procedures for submission, review and approval of erosion control plans and provide a clear understanding of when these measure are to be put in place.

The design and implementation of water management controls and minimizing erosion from land undergoing construction activities shall be done so under the provisions prescribed in the Madison County Subdivision Regulations and the "Kentucky Best Management Practices for Construction Activities" manual prepared by the Division of Conservation and Division of Water, Natural Resources and Environmental Protection Cabinet.

310.5 Water Management and Sediment Control Preliminary Planning Phases

Efficient control of water management and sediment control is achieved by following sound erosion and pollutant control principles and by phasing construction.

Some of the most important principles are:

1) Relate the development to the site conditions.
Identify natural features in site planning and consider level areas for building locations, parking areas and streets. Avoid the disturbance of steep slopes.

2) Minimize land grading.
Develop a plan to fit the existing topography, grade only where necessary. Schedule land disturbing activities and grade only the smallest practical land area at one time to reduce erosion potential.

3) Integrate surface and storm water drainage systems.
Keep runoff velocities low; temporarily retain excess runoff on the site to reduce the sediment load.

4) Retain as much vegetation as possible.
Leave natural buffer zones adjacent to streams, on steep slopes and on other critical erosion areas.

5) Seed temporary vegetation.
Seed temporary vegetation on disturbed areas if construction is not completed in a short period of time. Annual plants germinate quickly, slow runoff and reduce erosion.

6) Re-vegetate permanently after final grading and as soon as practical. A dense vegetation cover is the most efficient erosion control.

7) Schedule grading operations.
Schedule grading operations and other development activities to reduce time of land exposure. Only grade areas that will be developed immediately.

8) Install diversions beforehand.
Install diversions, waterways, sediment basins and/or other Best Management Practice's beforehand, when removal of vegetation and land grading is necessary or unavoidable.

310.6 Plan Submission Procedures

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, excavation, 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 cemeteries for human or animal burial, or (b) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.

2. 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 at or above existing root mat intact.

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

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

310.7 PROCEDURES AND STANDARDS FOR APPROVING SOIL EROSION CONTROL PLANS AND FOR ISSURING PERMITS

ADMINISTRATIVE PROCEDURES: Applications for approval of erosion control plans shall be submitted to the Zoning Administrator. The application shall contain the applicant's name and address and other relevant information requested on the application forms provided. It shall also contain a proposed erosion control plan containing the information required in this Section. The plan shall be designed as suggested in the "Best Management Practices of Kentucky" (which may be obtained from the Natural Resources Conservation Service (NRCS), U. S. Department of Agriculture), or the plan shall be designed in another acceptable form. The application must be signed by the owner of the property or an 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 Development Review Team for incorporation into the report submitted to the Planning Commission. Facilities required in the soil erosion control plan shall be constructed at the same time that other construction is taking place on-site, and shall be in place prior to final plat approval. The intent is to reduce erosion problems both during and after construction. When soil erosion control work has been completed, a representative of the county will be informed by the developer and will inspect the site to insure all requirements have been met.

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;

   (b) identification of any structure or natural feature on the land adjacent to the site and within 250', which has significant impact on drainage or siltation controls. If the development is to be in stages, 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. A soil survey or a description of the main soil types (available from the Natural Resources Conservation Service (NRCS).

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

5. Existing topography at contour intervals not exceeding ten (10) feet; five (5) feet where conditions warrant.

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

7. Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion 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.

8. Plans for removal, re-contouring, or other final disposition of sediment basins or other structural improvements or devices included in the plan. If a sedimentation basin is required, it should be designed by certified engineers in accordance with the Soil Erosion and Sediment Control Guidelines for Madison County.

9. Drainage calculations that include pre- and post- drainage calculations as well as calculations of any retention or detention basins proposed or existing effected by this plan.

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 to 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. during project construction, off-site and on-site siltation and erosion be minimized; and

2. after project completion, the total erosion control plan will be effective so as to preclude all significant on-site erosion. No special conditions shall be attached to the plan, which impose duties or liabilities upon the subdivision after a lot is sold.