

PLANNING COMMISSION

ADENDA-MARCH 6, 2023

WORKSHOP-Sizemore Trucking, Rendezvous Pizza update

PUBLIC COMMENTS

APPROVAL OF THE FEBRUARY 6, 2023 MEETING MINUTES

REZONING REQUEST

A.) Jason Waddell-8067 E. Andrew Johnson Hwy. Whitesburg, TN. 37891 (03-0130-A-007.00)
Request to rezone from A-1 (Agricultural) to C-1(Commercial) to open a machine shop.

ZONING TEXT AMENDMENT

A.) Amendment to update the current 9.7 Environmental Industrial District (I-2) Zoning Regulations to reflect the current changes to the Landfill Regulations.

ZONING TEXT REVIEW

A.) Article 9A-Wireless Telecommunication Towers (9A.6) Administratively Reviewed and Approved uses- (8)
A bond in the amount of **20%** of the total cost of construction shall normally be held for one (1) year and must be posted prior to issuance of a building permit.

STORMWATER REGULATION UPDATE

A.) Illicit Discharge and Illegal Connection-Bulk Waste Definition

STORMWATER COMPLAINT

A.) Edith Webb-4020/4022 Julian Ave. Morristown, TN. 37814 (02-040F-B-002.00) Lt 32 Taylor Estates
Drainage easement along the property line is flooding the basement and back yard of the property owner.

OTHER BUSINESS

ADJOURNMENT

Minutes
Hamblen County Planning Commission Meeting
February 6, 2023

Members Present

Charles Anderson, Vice Chairman
Kyle Hale, Secretary
Thomas Doty
Bill Hicks
Edgar Gray
Rodney Long

Staff

Tina Whitaker, Office Manager
Donna Massey, Administrative Assistant
Lindsey Horn, Clerical Assistant
Tommy McKinney, Codes Enforcement Officer
Darrell Chase, Building Inspector
Other guests, see attached roster

Absent: John Hofer, Chairman

Planning Commission Workshop

- **Stormwater Audit**

Office Manager Tina Whitaker informed the board that we received some feedback from the auditors and one requirement, that must be met to bring the department into compliance, is the approval of the updated Illicit Discharge regulations, Buffer Zone regulations, Erosion and Sediment Controls regulations, and the Enforcement Response Plan (ERP). The ERP has been in place since the establishment of the stormwater department but has never been adopted.

The state auditors informed the Stormwater staff that the wording of our regulations is fine and the only change needed is the addition of a reference to the ERP in the Enforcement section of each regulation. This has been done.

There is another regulation that needs to be updated and approved. This is the Post-Construction/Permanent Stormwater regulations. This will take longer to update as we need an engineer to review some of the wording.

Tina informed the board that the regulations need to be adopted by the end of March, and in order for them to go to County Commission they would need to be adopted today. Mr. Thomas Doty remarked that since this is state mandated we don't have an option on whether or not to adopt them. Mr. Gray asked whether they need to vote for the regulations all at once or do each one individual. It was decided to vote for them individually.

It was noted that the title "Director" was taken out and replaced by "Stormwater Coordinator". Tina advised that since there was not currently a director over the office, it was not necessary to have that title referenced in the document(s).

Tina also informed the board that the biggest element that the office needs to work on to be brought into compliance is monitoring. There will be an audit finding on the lack of monitoring that has been

done. Mr. Charles Anderson asked if a full time person is needed. Tina said yes but not to rush into anything just yet as the office needs to determine the scope of the project.

Tina also informed the board that since County Attorney Chris Capps is the final enforcement for violations that he must approve the regulations, especially the enforcement section. The office needs his approval in writing, and we have sent the regulations to him for review.

Tina also informed the commission that in the Illicit Discharge regulation a definition for *bulk waste* has been added. There are two definitions included so that one can be chosen as the approved definition. The definition will be a base to build off of. The definitions have been sent to Road Superintendent Barry Poole but as of this meeting he has not replied with a recommendation.

- **Bulk Waste, Illicit Discharge, and Education**

There was a discussion about people dumping trash into ditch lines and when it rains the trash is being sweeps into catch basins, and streams which leads to the lake. Tommy stated he asks people to bag up their waste and most comply but there are issues of others opening the bags to rifle through them. People have also been recently throwing out large portions of materials from house remodels, much of which might contain asbestos and/or hazardous materials.

Mr. Anderson said that it needs to begin with education.

In the audience, Mr. Tim Horner, County Commissioner, spoke up and said that there needs, "to be some teeth. We need to have some bite."

Tina said that if the enforcement plan is adopted, it will outline the enforcement procedures. There are verbal warnings, written, Notice of Violations, legal procedures, and referrals to TDEC. Education can start with talking with property owners.

With regards to the people going through trash, Mr. Hale stated that people doing major projects should have a dumpster. Mr. Long said that will have to be addressed in County Commission. Mr. Hale asked how we are going to educate everyone and Tina replied that it will be a slow process. Mr. Anderson suggested putting stickers with information on the top of the county trash cans. There was more discussion about ways to educate.

Call to Order, Public Comments, and Approval of the Minutes

Mr. Charles Anderson called the Planning Commission meeting to order.

Mr. Anderson opened the floor for public comments. Dana Reed from Fernwood Church Rd. addressed the rezoning request for Sublett Road and Fernwood Church Road. She said that this is in her backyard and she doesn't want a bunch of garbage there. She stated that there is dumping activities currently

going on without a permit and there is liquid being dumped in the middle of the night. She handed out some photos that she had taken of that activity. She said she called the county about this issue but received no response. She is not sure if it is a foregone conclusion that the zone will change but she would like it to remain A-1.

Mr. Anderson thanked Ms. Reed for her comments.

Mr. Anderson asked if there was a motion to approve the January 2023 minutes. Mr. Long made a motion to approve them. Mr. Doty seconded the motion. All in favor; motion carried.

Plat Approval

- **Gust Property – Three Springs Rd. (03-06-028.02 A-1) 3 Lots**

Chad Gust, developer, represented this request. He is subdividing the property to make three (3) lots. The plat has been approved by TDEC and meets all requirements.

Mr. Hale made a motion to approve the plat as presented. Mr. Gray seconded the motion. All in favor; motion carried.

Re-Zoning Requests

- **Enka Hwy. (04-059-009.01) –A-1 to I-2**

Scott Reams, attorney, represented the rezoning requests for all of the parcels. The request to rezone is for the county's landfill expansion. These expansions will have to be approved by TDEC or are in the process. This vote is strictly to change the zones of the parcels.

Mr. Hale asked about buffer zones between the disturbed land and houses. He would like to see trees planted. He asked if there is a requirement in the state regulations to have trees or if it could be included as a gesture of good will.

John Gardner, GFL representative, stated that there are different setbacks for the disturbed and undisturbed land. Mr. Gardner also stated there are no regulations concerning the placement of trees but they would be willing to do that.

Mr. Anderson asked for a motion to approve the rezoning. No motion was made. Mr. Anderson moved on to the second parcel. **(Note for Clarity:** A motion was made during the discussion of the second parcel (2581 Grigsby Rd.) to approve the zoning of Enka Hwy. from A-1 to I-2. This was due to a more detailed explanation of what the purpose of these votes were for, made by Mayor Brittain and the representative for GFL. Please see the bullet point for 2581 Grigsby Rd. for the description of that motion. This note is merely to ensure there is no confusion below.)

- **2581 Grigsby Rd. (04-059-004.04) – C-1 to I-2**

Mr. Reams spoke about the Enka Highway parcel, in reference to all the rezoning requests. This will extend the life of the landfill for many years. He stated that both parcels join Enka Hwy. and the current landfill. Right now the county is within a couple days of being full. Trash has to go somewhere. If it's not at this location it will be somewhere else that will cost more money. He stated that both the county and GFL are both reaching capacity.

Mr. Gray asked if there is any activity taking place on these four parcels? Mr. Reams said there is some activity on Sublett; this is why the county wants to expand. Mayor Brittain came up to the podium to state that Sublett Rd. is adjacent to the current landfill and reiterated that the current landfill is months away from being full. This is phase one of an expansion on property that the city and county already own. That will begin in 6 – 9 months. There is another property where 16 acres will be used. Then Class 3 trash will start being dumped by the county on property that GFL owns. This expansion will give us fourteen years and the purchase of another 87 acres will expand the life for another 30-40 years.

It was acknowledged that Enka Hwy. is already being used as a landfill but the zone is not correct. The aim is to fix that with the rezoning request.

At this point Mr. Hale made a motion to approve the rezoning request for the first parcel, Enka Hwy. This will bring the parcel into compliance as it is already being used as a landfill. *(Note: This is the motion referenced in the Note for Clarity under the bullet point for Enka Hwy. (04-059-009.01))*

Mr. Gray seconded the motion for Enka Hwy. All in favor; motion carried.

Mr. Hale then made a motion to approve the rezoning request for 2581 Grigsby Rd. since it is adjacent. He asked that the stipulation be added that they plant trees in the buffer zone. Mr. Long seconded the request. All in favor; motion carried.

Mr. Hale then made the same motion as above for 2451 Grigsby Rd. with the same stipulation. Mr. Gray seconded this motion. All in favor; motion carried.

- **Guy Collins Rd. (05-057-PT- 009.01) A-1 to I-2**

Mr. Reams stated the rezone request for this parcel is to bring it into compliance as it is already being used as a landfill.

Mr. Hicks made a motion to approve the request. Mr. Gray seconded the motion. All in favor; motion carried.

- **Sublett Rd. (05-057-058.00) A-1 to I-2**

Mr. Long asked what this property will be used for. Mayor Brittain said it will be used for a Class 3 C/D landfill. It is not operational but a permit is active.

Ms. Reed spoke up and said that this is the property where liquid is being dumped. She stated that big holes were dug and GFL dumps liquids there and covers them back up. Mr. Gardner refuted that statement and said nothing was being dumped.

Mr. Hicks made a motion to rezone this parcel from A-1 to I-2. Mr. Hale seconded the motion. There was a brief discussion about the buffer zones. Tina explained we no longer regulate those; it was voted on last month by the commission to remove those regulations so that we are in line with state regulations. They will have to refer to TDEC requirements.

Mr. Long asked if they could add the stipulation of adding trees to the motion. It was agreed. All in favor; motion carried.

Other Business

- **Stormwater Regulations**

Per discussion in the workshop, a motion was made by Mr. Gray to adopt the Illicit Discharge regulations. Mr. Hale seconded the motion. All in favor; motion carried.

Mr. Doty made a motion to adopt the Enforcement Response Plan (ERP). Mr. Gray seconded the motion. All in favor; motion carried.

Mr. Long made a motion to adopt the Buffer Zone regulations. Mr. Doty seconded the motion. All in favor; motion carried.

Mr. Gray made a motion to adopt the Erosion and Sediment Controls regulations. Mr. Hale seconded the motion. All in favor; motion carried.

Tina informed the board she will bring back the definition for bulk waste once a recommendation has been made on which one to use.

Adjournment

With no other business to conduct, Mr. Hale made a motion to adjourn the meeting. Mr. Long seconded the motion. All in favor; meeting adjourned.

Secretary

Date

Zoning Request Form

Notice to Applicants: Prior to the rezoning request being placed on the agenda for the appropriate Planning Commission consideration, the applicant shall furnish to the appropriate Planning Department the following information:

1. Date: Feb. 9, 2023
2. Name of Property Owner(s): Jason Waddell
Mailing Address: 610 Simpson Rd. Whitesburg 37891
Telephone #: (Home) _____ (Other) 423-736-0494
3. Name of Applicant/Agent: Same
Mailing Address: _____
Telephone #: (Home) _____ (Other) _____
4. Property Identification Information:
District 03 Approximate Parcel Size: _____
Tax Map: 0130 Group: A Control Map: - Parcel: 007.00
Lot: N/A Subdivision: N/A
Property Address: 8007 E. Andrew Johnson Hwy 37891
5. Nature of Request:
Zoning Change: (From) A-1 to C-1
Proposed Use: Machine Shop

Planning Office Use Only

Deadline Date to Return to Planning Department: Feb. 10, 2023
Deadline Date to Post Sign on Property: Monday Feb. 20, 2023
Date of Planning Commission Review: MARCH 6, 2023
Location of Meeting: Small Courtroom, Main Courthouse

The City of Morristown

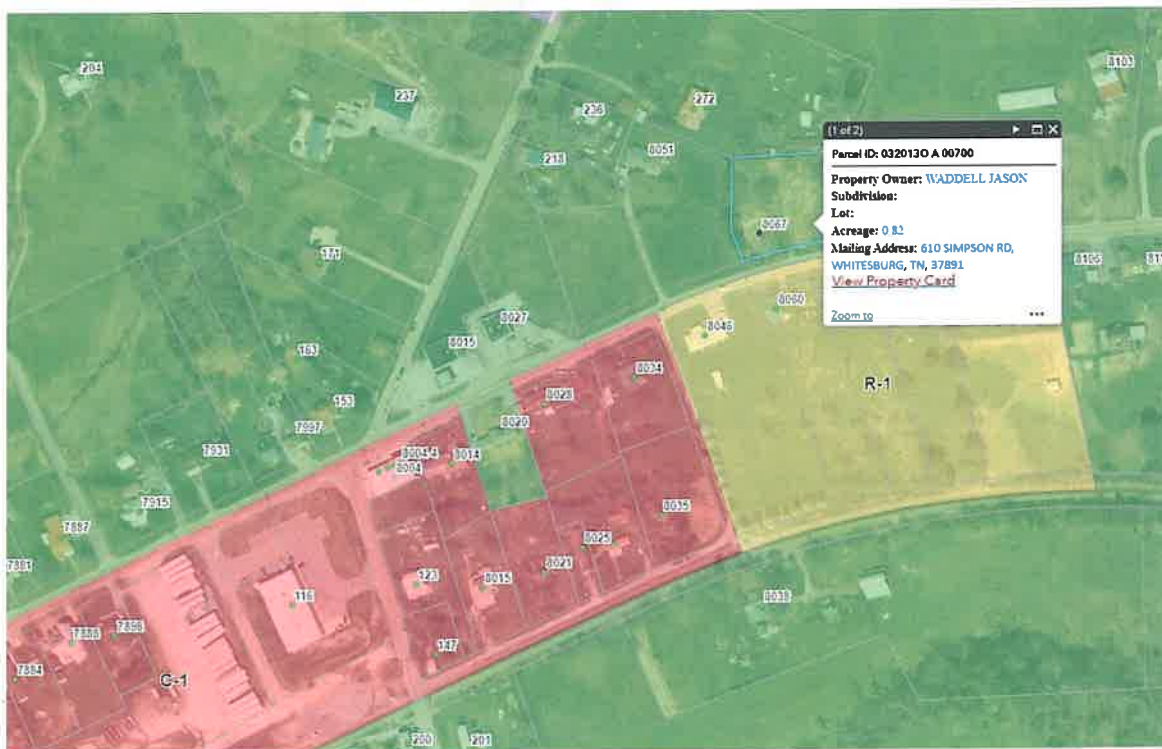
Community Development & Planning



TO: Hamblen County Planning Commission
FROM: Josh Cole, City of Morristown Senior Planner
DATE: March 6th, 2023
SUBJECT: Rezoning Request: A-1 to C-1
8067 E. Andrew Johnson Highway

BACKGROUND

The property owner, Jason Waddell, is requesting his property located at 8067 E. Andrew Johnson Highway be rezoned from A-1 (Agricultural) to C-1 (Commercial). This property is slightly over 0.8 acres and vacant. It has A-1 zoning to the north and east along with R-1 to the south; however, several C-1 zoned parcels are to the southwest along E. Andrew Johnson Highway with the closest being just 0.04 miles away.



RECOMMENDATION

Due to the proximity of C-1 zoning and E. Andrew Johnson being a major corridor within the County, staff recommends approval of this rezoning request and would ask Planning Commission to forward this on to County Commission.

The City of Morristown

Community Development & Planning



TO: Hamblen County Planning Commission
FROM: Lori Matthews
DATE: March 6th, 2023
REQUEST: Zoning Ordinance Amendment

As the County recently amended and adopted new regulations with respect to landfill activities, it was found that the County's Environmental Industrial District, I-2, would also need to be amended.

The existing ordinance includes land uses which require approval by the Board of Zoning Appeals; however, none of the uses listed provided what conditions must be met in order to receive approval. Uses on review are those which are not allowed by right, but rather have specific stipulations or conditions which must be met in order for the Board of Zoning Appeals to approve the use.

As the recent amendment to the use of landfills included they be allowed by right, pending their approval by the State of Tennessee, Staff researched the remaining uses allowed within the I-2 District, and found that they all require some form of State approval as well. Therefore, Staff would recommend that all uses, to include that of landfills, be considered as uses by right, under the County Environmental Industrial District, as they would all be required to provide State approval. Any other uses would be prohibited.

9.7 Environmental Industrial District, I-2: This district's purpose is to allow industrial development for heavy industrial uses, which, by their nature, offer the potential for impacting the environment negatively. Because of the possible impacts, all of the following uses have standards and regulations which must be met pursuant to the State of Tennessee. Documentation of this State approval will be required along with the site plan submittal.

A. Uses Permitted—In I-2 Environmental Industrial District, the following uses are permitted—: ~~on review by the Board of Zoning Appeals:~~

County Staff will require approval documentation prior to the operation of the following uses:

1. Smelting Plants
2. Asphalt Plants
3. Slaughtering Houses
4. Incinerators for the burning of garbage materials or medical waste
5. Paper/Pulp Products Plants
6. Chemical Manufacturing Plants in which potentially hazardous chemicals are to be produced or utilized
7. Automobile Wrecking, Junk, and Salvage yards and dumps
8. Landfill

B. ~~Use Permitted as Special Exception:~~

1. ~~Landfills~~

~~"Because of the nature and character of soils waste landfill operations, the potential for detrimental effects upon the health, safety, and welfare of surrounding residents exists. To prevent and minimize potential problems, proposed landfills shall be evaluated by using the standards promulgated by the State of Tennessee as set forth in the Rules and Regulations of the Tennessee Department of Environment and Conservation, TDEC Rule Chapter 0400-11-01, "Solid Waste Processing and Disposal", as same may be amended from time to time".~~

C. ~~Uses Prohibited~~—Those uses not mentioned above or deemed ~~similar in nature to those noted by the Board of Zoning Appeals~~ shall be permitted.

MEMORANDIUM

TO: Hamblen County Planning Commission

FROM: Tina Whitaker, Hamblen County Planning Commission Manager

DATE: February 20, 2023

RE: Tower Bond Amount Discrepancy

It has come to our attention that our Tower Regulations have an extremely misleading typo. On page 51 under Section 9A.6 Administratively Reviewed and Approved Uses, Letter A, it states that "A bond in the amount of **20%** of the total cost of construction shall normally be held for 1 year..." This typo occurs twice in the regulation.

This issue was brought to our attention by the Verizon/Cellco Tower drop and swap at 1199 Shannons Little Mountain Rd. The way it was explained to her- as based on the wording of the Tower Regulations- makes it arguable that they are only required to submit a bond for 20% of the total cost, which would be \$30,000 as opposed to \$180,000(based on the estimated construction costs of \$150,000.)

Considering the amount of the bond is to ensure that the County can pay for the completion of a tower should it be abandoned by its original owners, a 20% bond does not make sense. We believe the intent of the regulation is that the bond should be **120%**. This is evident by other regulations (such as the drainage plan in the Zoning Regulations) which hold the bond at **150%**.

We are asking the board for a recommendation to edit the wording of the Tower Regulations to better reflect the intent of the document. We believe the statement should read, "A bond in the amount of **120%** of the total cost of construction..." so that it cannot be misinterpreted in future.

Tina Whitaker

Department Manager

Hamblen County Planning & Zoning and Stormwater Departments

LH



5. The Building Official shall respond to each application within ninety (90) days after receiving it by either approving or denying the application. If the Building Official fails to respond to the applicant within said ninety (90) days, then the application shall be deemed to be approved.
6. In connection with any such administrative review and approval, the Building Official may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Article 9A.7 of this Article.
- * 8. The Building Official may require such bonds in such amounts and for such periods of time as the Building Official deems necessary to insure compliance with the provisions of this Article 9A. A bond in the amount of 20% of the total cost of construction shall normally be held for 1 year and must be posted prior to issuance of a building permit. Said bond may be released earlier, however, following completion of construction and upon receiving a favorable field review by Codes Enforcement of Hamblen County.

B. List of Administratively Approved Uses: The following uses may be approved by the Building Official after conducting an administrative review:

1. Locating a tower or antennae, including the placement of additional buildings or other supporting equipment used in connection with said tower or antennae, in any Industrial Districts I-1 and I-2.
2. Locating antennae on existing structures or towers consistent with the terms of subsections (a) and (b) below:
 - a. **Antennae on existing structures:** Any antenna which is not attached to a tower may be approved by the Building Official as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, also including, but not limited to, water tanks, billboards or other suitable structure, provided:
 - (i) The antennae does not extend more than thirty (30) feet above the highest point of the structure, and
 - (ii) The antennae complies with all application FCC and FAA regulations, and
 - (iii) The antennae comply with all applicable building codes.
 - b. **Antennae on existing towers:** An antennae which is to be attached to an existing tower may be approved and permitted by the Building Official and, to minimize adverse visual impact associated with the proliferation and clustering of towers, collocation of antennae by more than one carrier on existing towers shall take precedence over the construction of new towers,

- **Cell Tower Application – Verizon/Cellco Partnerships – 1199 Shannons Little Mountain Rd.**
(026 48.00 A-1)

Tina Whitaker represented this request as the owner is from out of state. She informed the board that this is a standard procedure. The company is switching out an old tower for a new one. The principal engineer stated it would cost an estimated \$150,000 to complete the project. After some discussion, the board agreed and Mr. Anderson made a motion to set the bond for \$225,000. Mr. Hale seconded the motion. All in favor; motion carried.

Addendum: After the meeting, it was realized that the bond was set too high and should have been set at \$180,000. Office Manager Tina Whitaker spoke on the phone with Chairman John Hofer and asked if the bond could be reduced to the appropriate amount. A verbal agreement was made on 02 August 2022 and is reflected here for reference.

- **Crypto-Mining**

Mr. Gray made a motion to add the crypto-mining issue to the agenda. Mr. Hale seconded the motion. All were in favor; motion carried.

Mr. Cutshaw made a motion to approve the adoption of the emergency resolution with the addition of a site plan as well as one hundred (100) ft. front setbacks and fifty (50) ft. side and rear setbacks. Mr. Gray seconded the motion. All were in favor; motion carried. This resolution will move to committee and county commission.

Mr. Hale made a motion to adjourn. Mr. Hicks seconded the motion. All in favor; motion carried.

Meeting adjourned.

Secretary

Date

Minutes
Hamblen County Planning Commission Meeting
August 1, 2022

Members Present

John Hofer, Chairman
Charles Anderson, Vice Chairman
Kyle Hale, Secretary
Bill Hicks
Chris Cutshaw
Jim Stepp
Edgar Gray

Staff

Lori Matthews, City Planner
Josh Cole, City Planner
Tina Whitaker, Office Manager
Donna Massey, Administrative Assistant
Lindsey Horn, Clerical Assistant
Tommy McKinney, Codes Enforcement Officer
Darrell Chase, Building Inspector
Other guests (See attached record)

Planning Commission Workshop –

- **Crypto-Mining**

The proposed regulation adoption was brought up during the workshop was to pass the resolution for emergency zoning. This would restrict any crypto-mining to industrial I-1 or I-2 zones. If passed this would be valid for six (6) months to allow the planning commission time to make any tweaks or adjustments, as well as allow time for a public hearing.

Mr. Anderson states that any crypto-mining needs to be limited to industrial zones and that the planning commission needs to be proactive rather than reactive.

Mr. Hofer informed the planning commission that the city has already approved two crypto-mining requests, one in the east industrial park and one in the west industrial park.

Discussion was had at this point between the commissioners, office manager Tina Whitaker, and the city planners. The topic of the setbacks was discussed. Lori Matthews confirmed that the setbacks for the city are seventy-five (75) feet. After a question regarding the wording of the current resolution, Ms. Whitaker confirmed that the resolution can be changed during the six month period and re-voted on at that time. This is just a starting point.

Mr. Anderson asked how many industrial properties are available. Ms. Whitaker stated that the office staff would get that information.

Another question about the type of structures was brought up. Mr. Cole explained that to his knowledge it is mostly old shipping containers used to store the computers running the mining in. He doesn't know what will be approved in the ones for the City of Morristown.

Mr. Hicks asked if the setbacks could be changed to one hundred (100) feet in the front and fifty (50) feet on the sides and rear.

It was then asked if the sound could be regulated. Ms. Whitaker explained that putting it in the industrial zone would help prevent sound from being an issue.

Mr. Cole stated that a decibel level was determined for the city. Ms. Matthews suggested contacting Marshall Ramsey as he helped the city determine aspects of their regulations regarding crypto-mining.

Mr. Hofer agreed and stated that the resolution can be tweaked in the six month period as we learn more.

Ms. Whitaker asked if the city allowed cargo trailers. Mr. Cole is unsure but says the city hasn't received any plans. She then brought up the issue of utilities and how these crypto-mining establishments will take up a lot of power.

The main issues the commissioners want for the resolution is: setbacks, noise level limit, and site plans.

It was confirmed that if this passes in the planning meeting it will go to the committees and county commission. Mr. Hicks asked whether anyone would inquire after putting up a crypto-mining facility in the county when they can just go to the city. It was determined it is better to be active than proactive. Mr. Cutshaw added that it's a high energy use venture and that it's profitable for now, especially for the utility companies so we need something on the books now.

Ms. Whitaker informed the board that we can contact the GIS department and get a map of the different Industrial zones in the county.

The board agreed to add this item to the agenda during the planning commission meeting.

The workshop was concluded.

Call to Order and Approval of the Minutes

With the workshop discussion finished, Mr. Hofer called the Hamblen County Planning Commission meeting to order.

There was a motion by Mr. Anderson to approve the July minutes. Mr. Stepp seconded the motion. All were in favor. Motion carried.

Mr. Hofer recognized that Mr. Stepp will be resigning from the planning commission and presented him with a certificate of acknowledgement and thanked him for his service on behalf of the planning commission and planning office staff.

Tina Whitaker

From: Lindsey Horn
Sent: Monday, February 20, 2023 3:54 PM
To: Tina Whitaker
Subject: Email About Tower - DRAFT
Attachments: Tower Regulations.pdf; Zoning Regulations - Drainage Plans.pdf

Denise,

I wanted to follow up with and let you know that your inquiry has shown us a discrepancy with our regulations. It was explained to you that the amount of the bond is only 20% of the total cost, but this is incorrect. The intent of this document, based on other regulations that feature similar requirements, is to have the bond set at **120%** of the total cost of the construction. This amount is to ensure that regulations are followed and the project will not be abandoned – and if so, it assures us that we can finish the construction ourselves. According to the documents we received from Victoria, the estimated cost of the tower was \$150,000. 120% of this cost is \$180,000 which is how we arrived at that number.

We understand that this is a vast difference to the amount you were anticipating. As such, we are taking this issue to our Planning Commission to have them advise us on the wording of this regulation. I have provided you with a copy of both the Tower Regulations as well as other regulations we have for your reference.

To answer your other question about the bond, upon completion of the project, the bond is released back to you/your organization.

We are very sorry for the miscommunication. The next Planning Commission meeting is March 6th, after which we will provide you with an update on the board's recommendation. If you have any questions or concerns, please don't hesitate to let us know. Again, we apologize for the inconvenience, but do appreciate that your inquiry has helped us uncover this issue so that it can be resolved.

Thank you,

Lindsey Horn

Clerical Assistant
Planning and Zoning
511 West 2nd North St.
Morristown, TN 37814
423-581-1373 ext. 2266

MEMORANDUM

TO: Hamblen County Planning Commission

FROM: Tina Whitaker, Hamblen County Planning Commission Manager

DATE: February 22, 2023

RE: SW Illicit Discharge and Illegal Connection – Bulk Waste Definition

Attached is the Bulk Waste definition that has been proposed by the Hamblen County Planning Department. Please note the last line of the definition that states, "This definition can be used or any other definition for bulk waste adopted by Hamblen County." This addition is strictly there due to the fact that in order to be in compliance with the state, we have to submit our resolution(s) prior to the time the Bulk/Solid Waste Committee will meet to determine their own definition.

We are requesting the Planning Commission approve this definition with the understanding that if the Bulk/Solid Waste Committee approves a more stringent definition, we will use that one.

Tina Whitaker

Department Manager

Hamblen County Planning & Zoning and Stormwater Departments



1. To regulate the contribution of pollutants to the County's MS4 by stormwater discharges by any user.
2. To prohibit ~~Illicit~~ **Illegal** Connections and **Illicit** Discharges to the County's MS4.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this resolution.

Section II. Definitions

For the purposes of this resolution, the following shall mean:

Authorized Enforcement Agency-Employees or designees of the **Stormwater Coordinator for the Hamblen County Planning Department** designated to enforce this resolution.

Best Management Practices (BMPs)-Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution preventions and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bulk Waste- Such term shall mean furniture, bedding, appliances, and other refuse items that, by their size, shape, or weight, cannot be placed in a county provided trash can. This term specifically excludes construction waste. Bulk waste does not include large items that are not found in a residential dwelling unit. This definition can be used or any other definition for bulk waste that is adopted by Hamble County.

Clean Water Act-The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity-Activities subject to NPDES Construction Permits. After March 2003, NPDES Storm Water Phase II permits are required for construction projects resulting in land disturbance of 1 acre or more. Projects or developments of less than one (1) acre of land disturbance are required to obtain authorization if the construction activities at the site are part of a larger common plan of development or sale that is at least one (1) acre in size. Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain authorization under certain conditions. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials-Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to , a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Meeting Location: Main Courthouse-3rd Floor-Large Courtroom Small Courtroom
Date of Review: MARCH 6, 2023 @ 4:30 p.m.

Date: Feb. 3, 2023

Applicant: Edith Webb

Mailing Address: 4020/4022 Julian Ave. M'town TN. 37814

Telephone: edee webb 2012 @ (Other)
gmail. com

PROPERTY IDENTIFICATION

Property Address 4020/4022 Julian Ave. M'town TN. 37814
District 02 Tax Map 040F Group B Parcel 002.00
Subdivision Taylor Est lot # 32
Zone R-1 Required Setbacks: Front _____ Sides/Rear _____

REGULATIONS REFERENCE

ZONING: _____ ARTICLE: _____
SUB. REGS ☒ ARTICLE: Drainage easement + area shown on recorded plat.
SW. issue / Property has been listed as a top priority
for SW projects for state funding. see email from Mayor Brittain
ADDITIONAL INFORMATION FOR REVIEW

Drainage easement along the property line
is flooding the basement and back yard
of the property owner.

DEED RESTRICTIONS

I understand that any approval granted by the Hamblen County Planning Commission does not release the referenced property from the requirements of private deed and/or subdivision restrictions.

Applicant Signature

Received By:	Amount Paid:
Date of Public Notice on Website/ Bulletin Board:	
Date sign was placed on the property:	
Date letters were sent to adjoining property owners:	
Action of the board:	

Show search results for kid...



X - culverts
[red dashed line with arrows] - catch basin

Edith Webb
4020 / 4022 Julian Ave.

BK/PG: 1449/476-481

11203727

6 PGS.: AL - EASEMENT

JIM BATCH: 70398

05/26/2011 - 03:49 PM

VALUE 500.00

MORTGAGE TAX 0.00

TRANSFER TAX 1.85

RECORDING FEE 30.00

DP FEE 2.00

REGISTER'S FEE 1.00

TOTAL AMOUNT 34.85

STATE OF TENNESSEE, HAMBLLEN COUNTY

JIM CLAWSON

REGISTER OF DEEDS

Prepared By: Scott A. Hodge
Attorney At Law
502 N. Jackson St.
Morristown, TN 37814

DEED OF EASEMENT

THIS CONVEYANCE made and entered into as of this 29th day of April, 2011, between **SHIRLEY BUEL MAY, BRENDA BUEL HILL, WAYNE BUEL and MICHAEL BUEL** (heirs of Mae Buel), Parties of the First Part, and **JAMES W. BOND III and wife, EUGENIA D. BOND**, Parties of the Second Part.

WITNESSETH, that the Parties of the First Part for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, transfer and convey unto Parties of the Second Part, their successors and assigns, a permanent and perpetual easement over and on the property of the First Part more particularly described below in Exhibit A for the purpose of installing, maintaining and repairing field lines and drain ways as stated herein.

WHEREAS, Parties of the First Part (Buel heirs) and Second Part (Bond) agree that the easement shall be more specifically described as follows:

1. Parties of the Second Part shall have the right to extend their existing field line an additional six hundred (600) feet) within the area described in Exhibit A and as shown as the shaded area in the "Field Line Easement to James Bond" on the survey of Billy G. Knight, RLS, dated February 28, 2011, titled "The Mae Buel Estate Property Subdivision."

2. Parties of the First Party shall not cause or allow any field dirt, driveways, heavy equipment, structures of any kind or any other thing to be placed, stored or otherwise kept on the area described in Exhibit A and as shown as the shaded area in the "Field Line Easement to James Bond" on the survey of Billy G. Knight, RLS, dated February 28, 2011, titled "The Mae Buel Estate Property Subdivision," which would adversely affect the functioning of the field lines and/or drain ways within said area.

ASSESSOR OF PROPERTY

J. Keith Ely

DIST 2 MAP 40 GR PCL 49.00 ft

SCOTT A. HODGE
ATTORNEY AT LAW

502 N JACKSON ST
MORRISTOWN, TN
37814

423-581-3334
FAX 423-581-8454

3. Parties of the Second Part shall be allowed to enter upon the property (i.e. - Lot 1) of Parties of the First Part to install, maintain and repair field lines and drain ways. Parties of Second Part shall be allowed to properly and responsibly remove or take down any structure (ex. - fence, etc.) for the purposes of this provision and will not be held responsible for damage to the property or structures (ex. - putting fence back up, etc.) of Parties of the First Part. Parties of the Second Part shall contact and communicate with Parties of First Part to determine the best course of action for entering and leaving the property of Parties of First Part with the least damage if possible.

4. If Parties of Second Part hooks onto and/or connects to a sewer system, the portion/ provisions of this Deed of Easement relating to field lines shall expire and terminate.

5. Parties of First Part will not cause or allow the drain ways or field lines as shown on the survey of Billy G. Knight, RLS, dated February 28, 2011, titled "The Mae Buel Estate Property Subdivision," to be altered or otherwise modified such that their functioning would be adversely affected. Parties of the First Part will be held responsible for any damage to the drain ways in violation of this provision.

6. If Parties of First Part install a driveway or other like structure, it shall be a) either asphalt or concrete and be level with the surrounding land or b) 2 three-foot tiles shall be installed under the driveway or other like structure at proper locations so that the drain ways are not obstructed, dammed or their functioning be adversely affected.

7. Parties of Second Part shall be allowed to alter or modify the drain ways within the area described in Exhibit A and as shown as the shaded area in the "Field Line Easement to James Bond" on the survey of Billy G. Knight, RLS, dated February 28, 2011, titled "The Mae Buel Estate Property Subdivision." Parties of Second Part shall be allowed to properly and responsibly remove or take down any structure (ex. - fence, etc.) for the purposes of this provision and will not be held responsible for damage to the property or structures (ex. - putting fence back up, etc.) of Parties of the First Part. Parties of the Second Part shall contact and communicate with Parties of First Part to determine the best course of action for entering and leaving the property of Parties of First Part with the least damage if possible. Parties of First Part shall not be responsible for any damages as the result of the alterations or modifications by Parties of Second Part under this provision.

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8. Upon the execution and recording of this instrument, the Easement dated May 28, 1976 between Dillon Buel and wife, Mae Buel, and James W. Bond III and wife, Eugenia D. Bond, as recorded in the Register's Office for Hamblen County, Tennessee, shall expire and terminate.

9. If Parties of Second Part incur legal expenses to enforce this instrument, Parties of First Part shall be responsible for Parties of Second Part's litigation costs and attorney fees if there is a finding of fault by Parties of First Part.

TO HAVE AND TO HOLD UNTO THE SAID **JAMES W. BOND III and wife, EUGENIA D. BOND**, their heirs and assigns, the hereinabove described easement.

AND WE COVENANT with **JAMES W. BOND III and wife, EUGENIA D. BOND**, their heirs and assigns, that we are lawfully seized and possessed of the hereinafter described real estate, that we have a good and lawful right to sell and convey the easement.

Witness our hands this 29th day of April, 2011.

Shirley Buel May
SHIRLEY BUEL MAY

Brenda Buel Hill
BRENDA BUEL HILL

Wayne Buel
WAYNE BUEL

Michael Buel
MICHAEL BUEL

SCOTT A. HODGE
ATTORNEY AT LAW

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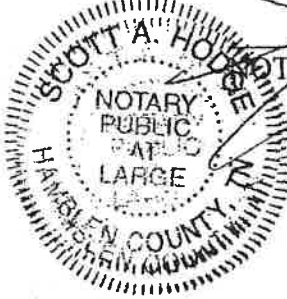
STATE OF TENNESSEE
COUNTY OF HAMBLLEN

Personally appeared before me, a Notary Public, in and for the state and county aforesaid, the within bargainer, **SHIRLEY BUEL MAY**, with whom I am personally acquainted and who acknowledged that said bargainer executed the foregoing instrument for the purposes therein contained and expressed.

WITNESS my hand and seal this 29 day of April, 2011.

MY COMMISSION EXPIRES:

6-4-11



STATE OF TENNESSEE
COUNTY OF HAMBLLEN

Personally appeared before me, a Notary Public, in and for the state and county aforesaid, the within bargainor, **BRENDA BUEL HILL**, with whom I am personally acquainted and who acknowledged that said bargainor executed the foregoing instrument for the purposes therein contained and expressed.

WITNESS my hand and seal this 29th day of April, 2011.



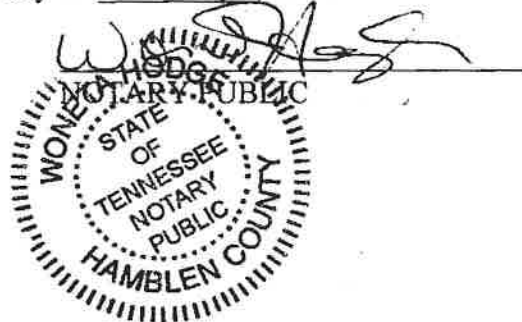
MY COMMISSION EXPIRES:

6-4-11

STATE OF TENNESSEE
COUNTY OF HAMBLLEN

Personally appeared before me, a Notary Public, in and for the state and county aforesaid, the within bargainor, **WAYNE BUEL**, with whom I am personally acquainted and who acknowledged that said bargainor executed the foregoing instrument for the purposes therein contained and expressed.

WITNESS my hand and seal this 13th day of May, 2011.



MY COMMISSION EXPIRES:

4-28-15

STATE OF TENNESSEE
COUNTY OF HAMBLLEN

SCOTT A. HODGE
ATTORNEY AT LAW

502 N JACKSON ST
MORRISTOWN, TN
37814

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Personally appeared before me, a Notary Public, in and for the state and county aforesaid, the within bargainor, **MICHAEL BUEL**, with whom I am personally acquainted and who acknowledged that said bargainor executed the foregoing instrument for the purposes therein contained and expressed.

WITNESS my hand and seal this 27 day of April, 2011.



NOTARY PUBLIC

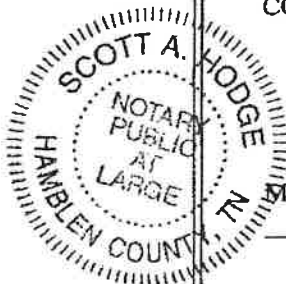
MY COMMISSION EXPIRES: 6-4-11

I OR WE HEREBY SWEAR OR AFFIRM that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$ 750.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Jane W. Bond III
AFFIANT

STATE OF TENNESSEE
COUNTY OF HAMBLLEN

Sworn to and subscribed before me this the 16 day of May, 2011.



MY COMMISSION EXPIRES: 6-4-11

NOTARY PUBLIC

SCOTT A. HODGE
ATTORNEY AT LAW

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MORRISTOWN, TN
37814

423-581-3334
FAX 423-581-8454

EXHIBIT A:

SITUATE in the Second (2nd) Civil District of Hamblen County, Tennessee, to wit:

Starting at a new iron rod on Kidwells Ridge Road, corner to Lot 33 of Taylor Estates Subdivision (Plat Cabinet C, Slide 25); thence S 49 deg. 11' 27" W 29.84 feet along Lot 33 to the point of BEGINNING; thence S 49 deg. 11' 27" W 282.31 feet along Lots 33, 32 and 31 to a point; thence N 40 deg. 48' 33" W 151.44 to a point; thence N 54 deg. 39' 20" E 86.97 feet to a point; thence N 85 deg. 44' 26" E 48.86 feet to a point; thence R = 310.00, Arc length = 52.65, N 80 deg. 52' 31" E, Chord Distance = 52.59 to a point; thence N 76 deg. 00' 35" E 95.48 feet to a point; thence R = 45.00, Arc Length = 39.73,

S 78 deg. 41' 59" E, Chord Distance = 52.59 to a point; thence S 53 deg. 24' 33" E 13.34 feet to the point of BEGINNING, designated as "Field Line Easement to James Bond Db. 258/ 36 28,575 sq. ft.," on the survey of Billy G. Knight, RLS, dated February 28, 2011, titled "The Mae Buel Estate Property Subdivision."

For source of title, see Deed Book 230, Page 61 in the Register's Office, Hamblen County, Tennessee. Dillon Buel subsequently died in 1981, leaving Mae Buel as surviving tenant with rights of survivorship. Parties of First Part are the beneficiaries of the Last Will and Testament of Mae Buel whose estate is being probated in the Chancery Court for Hamblen County, Tennessee, docket number 2010-P-139.

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Tommy McKinney

From: Bill Brittain, Hamblen County Mayor
Sent: Tuesday, December 6, 2022 9:40 AM
To: edeewebb2012@gmail.com
Cc: Tommy McKinney; Tina Whitaker
Subject: Retention Pond Repair

Edee,

Tommy McKinney asked that I update you on the status of the plan to fix your water drainage problem.

Repairing the Retention Pond in the Meadows and the other drainage issues near your house is one of the top priorities for the storm water projects we are seeking grant funding to complete.

I spoke to the grant administrator yesterday. He has a meeting with state grant officials next week and should learn a timeline for the grant. I assure you that your water situation has not been forgotten. We have done our part to get the funding to fix the problem. Now we are waiting for a decision from the state department that has the money.

I will keep you updated.

Bill Brittain
Hamblen County (TN) Mayor
511 West Second North St.
Morristown, TN 37814
w) (423) 586-1931

PERSONAL PROPERTY STORMWATER DRAINAGE ACCESS AGREEMENT

I _____ do hereby grant permission for Hamblen
(Property Owner Name, printed)
County Government, or its designated agent(s), the right to enter upon my premises, as described below,
in order to perform any necessary Erosion Prevention and/or Sediment Control Practices as may be
deemed necessary to properly stabilize/ maintain any drainage improvements located on my property.

Property Owner: _____

Address: _____

Dist: _____ Tax Map: _____ Group: _____ Parcel(s): _____

Subdivision Name: _____ Lot: _____

I understand that my property contains stormwater drainage improvements and that any modification, that
would diminish the functionality of the improvement, are restricted and that it is my responsibility to
convey this information to any new property owner during the sales transaction.

The cost of such stabilization measures shall be covered by _____

The facility drainage improvements are shown on the drainage plans filed in the Hamblen County Planning
Commission office, as designed by _____, dated _____.
(Project Engineer)

Property Owner

Date

Proposed agreement
If maintenance
and/or improvements
are needed in
drainage areas.

Tommy McKinney

From: Edee Webb <edeewebb2012@gmail.com>
Sent: Monday, January 9, 2023 9:06 AM
To: Planning
Subject: Edee Webb. Photos from 1/8/2023

CAUTION: This email message originated from outside of Hamblen County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please send these photos to Tommy and add them to my file.
Thanks, Edee Webb





Sent from my iPad



