

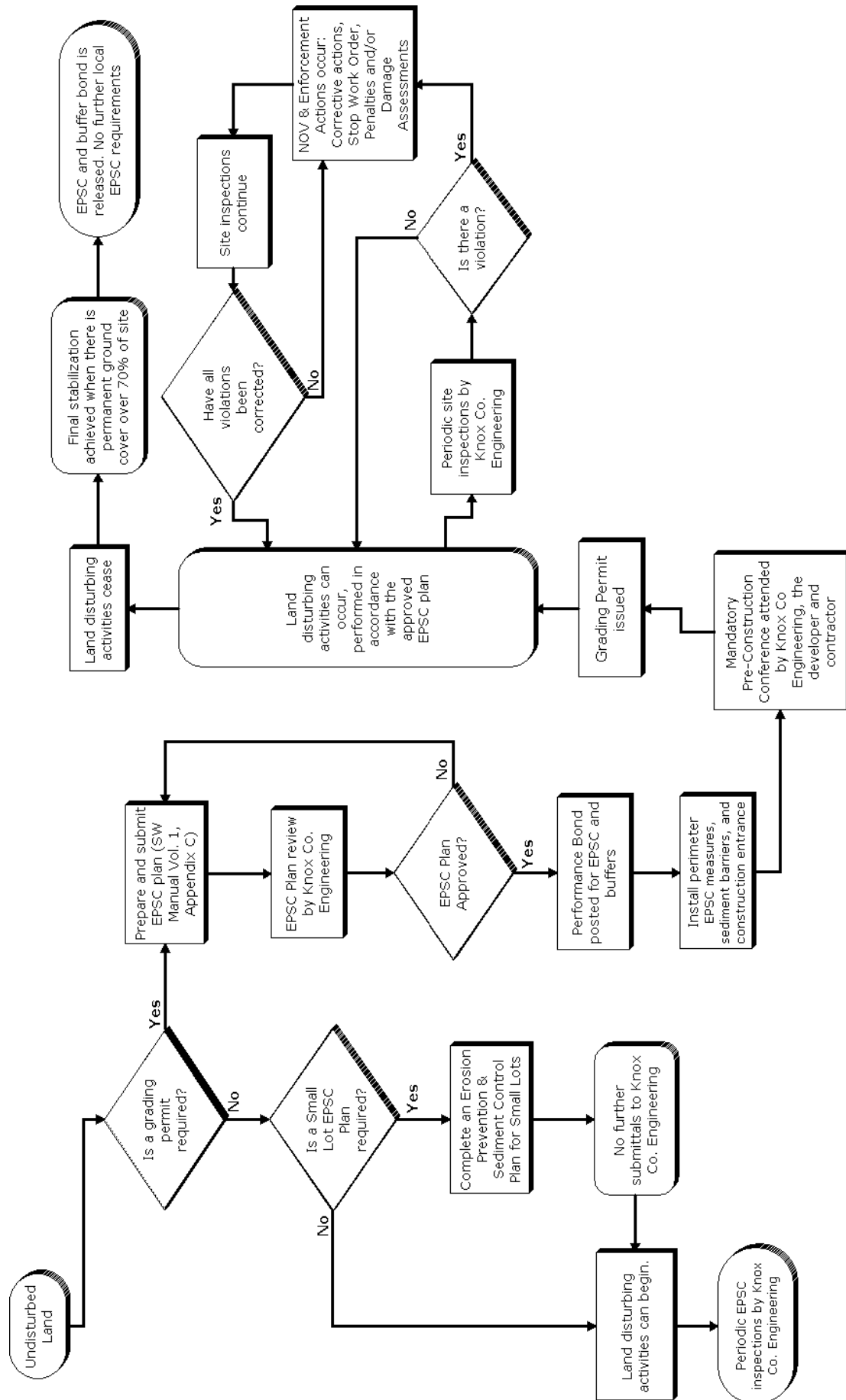


4.3 Applicable Permits

4.3.1 Grading Permit

Grading permits are issued by Knox County Engineering prior to grading or other land disturbing activities on a site. An approved grading permit will allow the developer to begin such activities, in accordance with the specifications and details presented in the approved erosion prevention and sediment control (EPSC) plan for the site. The purpose of the grading permit is to require and document proper planning before beginning the land disturbing activity and to reduce or eliminate the potential for off-site sedimentation. A flowchart that depicts the Knox County grading permit process for most development and redevelopment situations is presented in Figure 4-3.

Figure 4-3. Knox County Grading Permit Process





The Knox County Stormwater Management Ordinance requires that a grading permit be obtained before any land disturbing activity occurs on a site that requires a stormwater management plan. Land disturbing activities are defined by the ordinance as:

“any activity on a property that results in a change in the existing soil (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, logging and/or tree-chipping operations, haul roads associated with the development, and excavation”.

Exemptions from this requirement are presented in Section 4.2. In general, a grading permit must be obtained prior to a building permit. See Section 4.4.2 for exemptions to the requirement for a grading permit.

Land disturbing activities performed in accordance with the approved EPSC plan shall commence within one year from the issue date of the grading permit, or the grading permit will become null and void and the plan must be resubmitted for approval. Land disturbing activities that commence within one year from the issue date of the grading permit and are being performed in accordance with the approved EPSC plan shall receive an automatic administrative renewal of the grading permit.

4.3.1.1 Endangered Species Act Review

The NPDES Phase II permit (discussed in Chapter 3) administered by the Tennessee Department of Environment and Conservation (TDEC) requires Knox County to include consideration of potential impacts from stormwater discharges on species that are listed as endangered or threatened under the Endangered Species Act (ESA) and on habitat that is designated as “critical” under the ESA. **As part of Knox County’s compliance with the NPDES Phase II permit, any proposed development that is located within, or discharges stormwater runoff to, a buffer area for threatened species, endangered species, or critical habitat (as defined by the ESA) shall be reviewed by the United States Fish and Wildlife Service (USFWS) prior to Knox County Engineering’s review of a grading permit and/or stormwater management plan.** If USFWS determines that the proposed development may, or will, impact an endangered or threatened species, or critical habitat, an informal consultation may be required by USFWS to determine the best management practices (BMPs) that will mitigate the potential ESA-related impacts. It is the responsibility of the property owner to work with USFWS to ensure compliance with the ESA.

Knox County is not the regulatory agency tasked with enforcing the ESA, and therefore cannot advise the property owner on ESA compliance practices and options. However, BMPs utilized to mitigate ESA-related impacts must be included in the grading and/or stormwater management plans, and once approved, will be enforced by Knox County as a matter of compliance with approved plans. Variations from USFWS accepted BMPs will not be allowed by Knox County without a copy of written acceptance of such variations by USFWS.

Knox County does not have the authority to expedite USFWS reviews and informal consultations. Therefore, person(s) responsible for proposed developments should consider the additional time required to coordinate with USFWS when preparing development schedules and costs. Questions regarding a USFWS consultation for any particular site should be forwarded to the USFWS office in Cookeville, Tennessee. Contact information for USFWS is presented in Appendix C.

The Knox County Tennessee Threatened and Endangered Species Buffer Map shall be used to determine which proposed developments will require review by USFWS. This map is prepared and maintained by the USFWS, and is available for use by the general public on Knox County Engineering’s website, www.knoxcounty.org. The map will be updated by Knox County as needed to remain current.



Proposed developments that are located within a buffered area or are located in a watershed that discharges to a buffered stream shown on the Knox County Tennessee Threatened and Endangered Species Buffer Map must submit to review by USFWS. A copy of the results of the USFWS determination must be provided, in writing, with all grading and stormwater management plans submitted to Knox County Engineering. Further, proposed developments that undergo informal consultation by USFWS must also present, in detail, the BMPs that have been accepted by USFWS to mitigate ESA-related impacts. A copy of BMP acceptance by USFWS must also be provided. Grading and stormwater management plans that do not comply with these requirements will not be accepted for review by Knox County Engineering.

4.3.2 Building Permit

The building permit is the final permit that is reviewed and approved by Knox County Engineering. The Knox County Zoning Ordinance designates the activities for which a building permit must be obtained, and activities that are exempt from a building permit. For most new structures in the County, an approved building permit will allow construction to begin on the building. The Knox County Stormwater Management Ordinance requires approval of a stormwater management plan before a building permit can be obtained, unless the development is exempted by the Knox County Stormwater Management Ordinance. The ordinance also requires recording of the portion of the property required for stormwater facilities as a permanent drainage, water quality and/or access easement. More information on Knox County building permit requirements are presented in the Knox County Zoning Ordinance.

4.3.3 Special Pollution Abatement Permit

A Special Pollution Abatement Permit (SPAP) is required for development or redevelopment projects based on the potential for the development to impact stormwater runoff quality, unless a current NPDES discharge permit is in effect for the site. A SPAP application form is presented in Appendix C. SPAP requirements are presented in detail in Volume 2, Chapter 10 of this manual.

4.3.4 Floodplain Development Permit and Elevation Certificate

Knox County participates in the National Flood Insurance Program (NFIP), which is administered by the Federal Emergency Management Agency (FEMA). Participation in the NFIP requires that Knox County manage development within local floodplains using a Floodplain Development Permit and Elevation Certificate, the latter of which is presented in Appendix A. Typically, the permit and certificate are required for insurable structures that are located in the County's Special Flood Hazard Areas that have been designated by FEMA. The Director may require a permit and certificate for developments in TVA flowage easements and other areas as necessary for proper management of local floodplains.

A Floodplain Development Permit is required for any development or alteration to the natural drainage system within the 500-year floodplain in Knox County. The Director shall review said permit based on the requirements stated in the Stormwater Management Ordinance, the Flood Damage Prevention Ordinance, and the required engineering calculations stipulated by the Director and detailed in Volume 2, Chapter 8 of this manual. It is the responsibility of the property owner (or developer) to prepare and submit a Floodplain Development Permit application. Knox County Engineering will issue permits for development and redevelopment sites that are compliant with floodplain development regulations as provided in the Knox County Stormwater Management Ordinance and the Flood Damage Prevention Ordinance.

After construction is complete, a FEMA Elevation Certificate for each building located in the 500-year floodplain must be presented to Knox County Engineering. Failure to submit an elevation certificate shall be cause for Knox County to withhold a certificate of occupancy. The Elevation Certificate, if required, must be completed and sealed by a professional engineer or land surveyor licensed to practice in the State of Tennessee.