

Greg Derossett  
Administrator-Enforcement  
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## HENRY COUNTY PLANNING & ZONING

P. O. Box 686  
NEW CASTLE, KENTUCKY 40050

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November 30, 2009

RECEIVED

NOV 30 2009

PUBLIC SERVICE  
COMMISSION

Mr. Jeff Derouen  
Commonwealth of Kentucky  
Public Service Commission  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

Re: Henry County Water District No. 2

Dear Mr. Derouen

Enclosed you will find the regulations regarding water availability for the division of land in Henry County. There are no written or electronic correspondences between this office and Henry County Water District No. 2.

Sincerely



Greg Derossett



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

Charles R. Borders  
Commissioner

November 23, 2009

Mr. Greg Derossett  
Henry County Planning and Zoning Commission  
Post Office Box 686  
New Castle, KY 40050

Re: Open Records Act Request

Dear Mr. Derossett:

Pursuant to the Kentucky Open Records Act, the Public Service Commission requests a copy of all policy statements, regulations, rules, and other published guidance that the Henry County Planning and Zoning Commission has issued regarding the certification of water availability for subdivision developments. The Public Service Commission further requests a copy of all correspondence, written communications, and electronic mail between the Henry County Planning and Zoning Commission and Henry County Water District No. 2 in which the issue of certification of water availability for a parcel of land or development is discussed.

Any questions regarding this request should be directed to Gerald Wuetcher, Attorney/Executive Advisor, at (502) 564-3940, Extension 259.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen  
Executive Director

GW:kar

cc: Case File No. 2009-00440  
Henry County Water District No. 2  
By Certified Mail Receipt No. 7005 1820 0006 1154 9537

# Drawing Title Example Drawing

**CERTIFICATION OF REVIEW OF ROAD DEPARTMENT**  
I hereby certify that I have reviewed the division of land represented by this plat and the proposal for a road encroachment meets the city specifications.

\_\_\_\_\_, 2006 \_\_\_\_\_  
Engineer or Agent

**CERTIFICATION OF AVAILABILITY OF SEWAGE DISPOSAL SERVICE**  
It is hereby certified by the City of New Castle that onsite sewage disposal is available for the tracts shown on this plat, pending site evaluation.

\_\_\_\_\_, 2006 \_\_\_\_\_  
Engineer or Agent

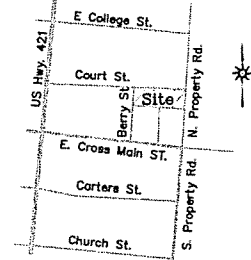
**CERTIFICATION OF AVAILABILITY OF WATER SERVICE**  
It is hereby certified by the City of New Castle Water District that water (is available/ is not available) for the tract described on this plat.

\_\_\_\_\_, 2006 \_\_\_\_\_  
Engineer or Agent

**CERTIFICATION OF AVAILABILITY OF ELECTRIC SERVICE**  
It is hereby certified by the Kentucky UTILITIES that electric service (is available/ is not available) for the tract described on this plat.

\_\_\_\_\_, 2006 \_\_\_\_\_  
Engineer or Agent

Site Map no scale



34 Berry Street

This instrument has been determined to conform to the Henry Co. Zoning Ordinance/ Subdivision Regulations and is approved for recording.

\_\_\_\_\_, \_\_\_\_\_  
Commission Chairman DATE

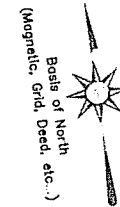
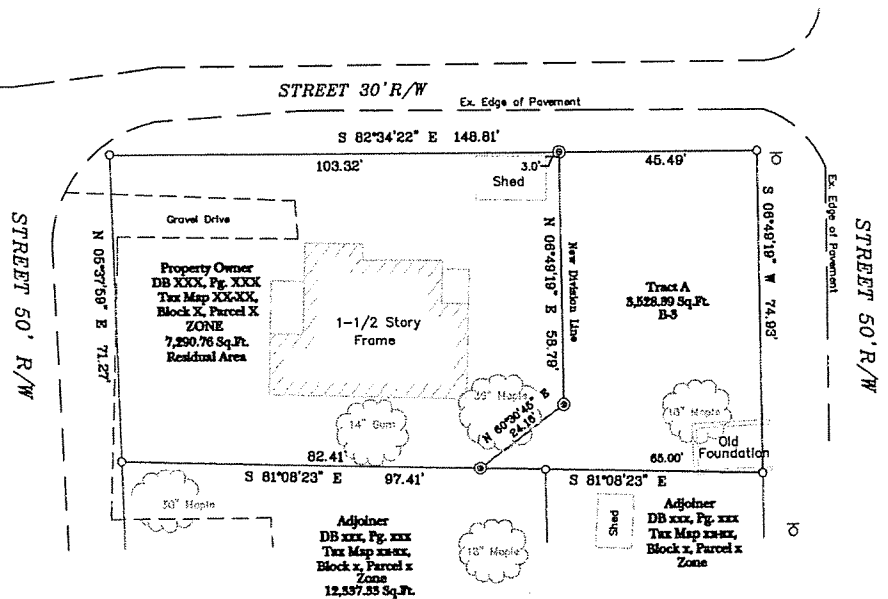
\_\_\_\_\_, \_\_\_\_\_  
Administrator DATE

**Certificate of Ownership**

We hereby certify that we are the owners of the property shown hereon and that we hereby adopt this plan with our free consent. This division does not violate any private subdivision restrictions.

\_\_\_\_\_  
Owner's Name

Surveyor's Legend



**Surveyor's Certification**

**Surveyor's Notes (If Needed)**

**Not To Scale**

**Company Information**

MINOR PLAT FOR:

**Title Block**

APPENDIX I  
CERTIFICATIONS

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Form "A" (on preliminary and final subdivision plat)

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the \_\_\_\_\_ (type: private or public) water supply and \_\_\_\_\_ (type: private or public) sewage disposal system installed, or proposed to be installed in the subdivision entitled: \_\_\_\_\_ (name of subdivision) fully meets the requirements of the Kentucky State Health Department and hereby is approved as shown.

\_\_\_\_\_(date), 20\_\_.

\_\_\_\_\_  
(Signature of a County Board of Health  
Chairman or other authorized officer)

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Form "B" (on preliminary and final subdivision plat)

CERTIFICATION OF AVAILABILITY OF WATER SERVICES

I hereby certify that \_\_\_\_\_ (name of agency or company) shall supply the \_\_\_\_\_ (name of subdivision) with services and that the water distribution system of said subdivision meets the requirements of this agency and all other requirements of the proper distribution of water.

\_\_\_\_\_(date), 20\_\_.

\_\_\_\_\_  
(Signature of the engineer of the agency or  
company)

the letter of credit on the last working day prior to the final date on the letter, pending action by the developer. If the developer has not complied, the Commission shall redeem the balance of the letter of credit on the last working day prior to the final valid date of the letter of credit.

720 INSTALLATION OF PART OF IMPROVEMENTS

The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements in only a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a final plat is approved for recording; provided however, that any gas mains, storm sewers, trunk sewers, and any sewage treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of Article IV have been met. If the proposed development is a phased development and heavy construction equipment must cross roads constructed in earlier phases, these roads must be maintained by the developer until the development is complete.

730 SURVEY MONUMENTS

All subdivision boundary corners and all points of tangency and points of curvature of all curves of streets and street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with one inch round rod center at least 30 inches long with a minimum dimension of six inches and appropriate marking. Should conditions prohibit the placing of monuments of the line, offset marking will be permitted; provided however, that exact offset courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before final plat is approved.

740 STREET IMPROVEMENTS

All streets and public ways shall be improved in compliance with applicable city or county standards as specified by separate regulations, or in accordance with Section 410 of these regulations.

750 WATER SUPPLY

Each lot within a subdivision shall be provided with a connection to an approved water system. Pending availability of a public water supply, the subdivider shall provide a private water supply system in such a manner that an adequate supply of portable water will be available to every lot in the subdivision at the time improvements are erected thereon. The installation of the water system shall comply with Section 460 of these regulations and be subject to the approval of the Governing Authority or its designated agent.

be served by a combined marginal access street in order to limit possible traffic hazards on such street. In no case shall access to a lot be closer than one-hundred and twenty-five (125) feet from an intersection with an arterial street. If access to a lot is from a collector or a marginal access street, a distance of no less than seventy-five (75) feet from any intersection shall be free from such access. If access to a lot is from a minor street, a distance of not less than fifty (50) feet shall be free from such access. In all cases, if a lot abuts an intersection of two classes of streets, access shall be from the lower class of street. Alleys shall not be deemed as streets to provide primary access for any use. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure of a design approved by the designated engineer or authorized person.

D. CORNER LOTS

Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets without reducing the buildable width below that of the average size lot in the subdivision.

Property line radii at street intersections shall not be less than 20 feet.

450 COMMUNITY FACILITIES

Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted Comprehensive Plan of the County, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the appropriate public agency regarding the time, method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two years from the date of the submission of the final plan, the subdivider may then plat the balance of the area.

Where considered essential by the Commission in its review of large scale or planned unit developments not anticipated in the adopted plans, the Commission may require the reservation for purchase of such areas of an extent and location suitable for the needs created by such development for parks, schools, streets, or other public use for no more than two years.

In the subdivision of any land within the area of jurisdiction, due regard shall be given to all natural features such as tree stands, water courses, historical spots, or similar conditions which, if preserved, will contribute to the attractiveness and value of the proposed development.

460 PUBLIC UTILITIES

The administration of these regulations by the Planning Commission shall take into account the relationships between new development and the adopted community plans

for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage and energy supply. Where necessary, the Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development. The plans for each of the following utilities shall receive final approval of the appropriate agency prior to construction. The improvement shall then either be in place and inspected, or a letter of credit posted in accordance with Article VII, prior to approval of the final plat.

A. SANITARY SEWAGE TREATMENT SERVICE

Where a public sanitary sewer system is reasonable accessible, as determined by the Planning Commission, sanitary sewers shall be installed by the Developer to adequately serve all lots with connections to the public system.

Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed subject to the approval and conditions of the County Health Department, based on the review of a site evaluation, soil analysis, and/or percolation data or other pertinent data for each lot in the proposed subdivision. If percolation tests are not conducted for each lot in the subdivision, the following disclaimer shall be placed on the plat, "Each lot on this plat has not been individually perc-tested for septic drainage field capability."

Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

Subject to the specific determination to the contrary by the Commission or other agency, the following general standards shall apply. The minimum size sewer pipe connection to any parcel shall be four inches inside diameter (i.d.). The minimum sewer pipe line to be used in a residential subdivision shall be of eight inches i.d. except that a six inch i.d. line may be used to serve no more than four dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

The subdivider shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the preliminary plat for Commission approval. Such plans shall be prepared by a Registered Civil Engineer and shall show pipe sizes, gradients, type of pipe, invert and finished grade evaluations, location and type of manholes, the location, type and size of all lift or pumping stations and treatment facilities, if on site. Manholes shall be located at a maximum distance of every three hundred (300) feet and at changes in grade or direction and shall be designed as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, the capacity of the tank and one potential location and proposed length of the drainage field for each parcel. If percolation tests are not conducted for each lot in the proposed subdivision, it shall be noted on the final record plat.

The Developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision if this action is deemed necessary to comply with the Comprehensive Plan, and after approval by the City Council or Fiscal Court. In these cases, the City or County after such prior approval shall reimburse the Developer for the difference in cost between the facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

#### B. STORMWATER DRAINAGE SYSTEM

Provisions shall be made by the Developer for the collection and channelization of the stormwater runoff by means of a stormwater drainage system designed to handle the runoff from storms occurring in an average frequency of ten years. The proposed system shall be subject to the review and approval of the Planning Commission and City or County Engineer.

Where an adequate public storm sewer is available at the subdivision boundary, the Developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the Developer may be required by the Commission to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal.

The subdivider shall submit plans for the proposed stormwater drainage system with the filing of the preliminary plat for Commission approval. Such plans shall show contours, catch basins, manholes, junction boxes, inlets, pipe storm drains, ditches, and holding ponds indicating size and material, culverts, and headwalls, bridges, pump stations, and discharge points.

The Developer may be required to install drainage structures in excess of those required to serve the subdivision if this action is deemed necessary to comply with Comprehensive Plan and after prior approval of City Council or Fiscal Court. In these cases the City or County, after such prior approval, shall reimburse the Developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

#### C. WATER SUPPLY SYSTEM

The subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs



of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the appropriate City's or rural water district's distribution system and be in conformity with the Comprehensive Plan. The distribution system shall be in accordance with current City or water district standards as well as the standards of the Department for Natural Resources and Environmental Protection. The line size, length, and configuration of all water systems for all proposed subdivisions which plan to tie into an existing public water system shall be reviewed and approved by the appropriate city water departments or rural water district. The size and location of the fire hydrants proposed shall be reviewed and approved by the appropriate fire department and water utility company.

All water mains, valves, and fire hydrants shall conform to the minimum requirements of the appropriate water company.

Whenever the City or rural water service deems it appropriate and necessary, and it is in keeping with the adopted Comprehensive Plan, the Subdivider may, after prior approval of the City Council or appropriate water utility, be required to install water main, fire hydrants and valves in excess of those required to adequately serve the subdivision. In these cases, the appropriate water utility, after such prior approval, shall reimburse the subdivider for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

#### D. ELECTRIC, TELEPHONE AND GAS SERVICE

Electric service and telephone service shall be accessible to each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, street lighting wires, conduits and cables shall be constructed underground except in cases where the City/County/Consulting Engineer or utility company determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider or that this requirement would not be possible or beneficial to the future residents. Proposed easements for these utilities shall be shown on the preliminary and final plats and shall conform to the requirements of Section 420.

The Subdivider shall set aside unobstructed land easements for the placement and access for maintenance of public and private utilities in accordance with the requirements of Section 420(A) of these regulations.