

REGULATIONS GOVERNING MINIMUM LOT SIZES IN CHEROKEE COUNTY

Cherokee County Board of Health

1. AUTHORITY

On-Site Sewage Management Systems, Chapter 511-3-1-.03:

“Lots shall be sized according to the regulations of the County Board of Health.”

County boards of health, under O.C.G.A. 31-3-5, are limited to regulate six specific areas of on-site sewage management systems:

1. Specifying locations where onsite sewage management systems can be used.
 2. Specifying minimum lot sizes for onsite sewage management system use.
 3. Specifying the types of residences, facilities and buildings that may be served by onsite sewage management systems.
 4. Issuing permits for the installation of systems.
 5. Inspecting systems upon the completion of installation.
 6. Provide for the ongoing maintenance of such systems, except for nonmechanical residential sewage management systems.
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2. PURPOSE

For the protection of public health, groundwater, and the natural environments of Cherokee County, and to provide for the orderly and safe development of lots and properties utilizing on-site sewage management systems, these minimum lot sizes are hereby established

3. DEFINITIONS AND GENERAL INFORMATION

Where soil percolation rates are less than 90 minutes per inch (mpi),

- “Absorption Field Areas” are defined as a minimum of 6000 square feet *useable* soils area per bedroom (3000 square feet per bedroom for initial absorption field plus 3000 square feet per bedroom for replacement absorption field), or a minimum of 6000 square feet useable soils per 150 gallons per day of wastewater for residential, commercial and similar structures; these areas may be considered for reduction in size by installing both the initial and replacement absorption fields at the same time, but in no case shall the replacement area be smaller than required for a conventional absorption field system.
- “Useable Soils” means soils without shallow limiting restrictive layers that may include bedrock, seasonal high-water table, severe redoximorphic features (mottles), hydric soils subject to flooding, dense soils with slow

permeability, and sandy or gravelly soil with very rapid percolation rates of fifteen minutes per inch or less. Suitability of soils is determined by an approved soils classifier or geologist who is registered and certified by the Georgia Department of Public Health. "Useable Soils" also means areas that are outside of all water buffers and other applicable setbacks. Useable soil areas must be complete, contiguous, and not broken into separate areas.

- **Slower Percolation Rates and Usable Soils**

Where soil percolation rates are 90 to 119 minutes per inch (mpi), useable soil areas are subject to 'special soils studies' as determined by the Cherokee County Environmental Health Manager. Larger lot sizes will be required to spatially accommodate larger absorption fields and advanced effluent treatment systems are required in most circumstances. Properties with absorption field soils having a percolation of 120 minutes per inch or more are generally not suitable for on-site sewage management systems.

- **Lots and Residential Characteristics**

Where position of structures, width of lots, topography or other characteristics of properties make future access for replacement or repair of systems very difficult or impossible, both the initial absorption fields and replacement absorption fields will be installed at the same time as noted on the system installation permit. Complex slope patterns dissected by rock, deep gullies and ravines are not acceptable for absorption field areas. If larger homes, more bedrooms, swimming pools, tennis courts, outbuildings and other appurtenances are proposed to be constructed or if trees would interfere with installation of an on-site sewage management system, the Cherokee County Board of Health may require larger lots to assure useable soil areas.

- **Grading and Soil Removal**

Property owners, contractors, subdivision developers and all permit applicants are strongly warned not to cut, grade, or engage in soil removal without the written approval of the Cherokee County Environmental Health Office as such activities could make a property unsuitable for an on-site sewage management system and void an issued installation permit.

Absorption fields and future replacement areas must remain undisturbed until septic system installations except for clearing of trees and underbrush; no unapproved grading or similar disturbance of soils are permitted except for foundation footings and other activities directly associated with the actual building.

- **Community Water Supplies**

Any water supply (either a municipal or private entity) that regularly serves at least 25 people a day or has at least 15 water service connections is considered a public water system under Georgia law (OCGA § 12-5-172-11). Any proposed lots to be served by non-public community water systems must meet property size standards for individual water supplies (well, spring or any source of drinking water not regulated by the Georgia Department of Natural Resources.) Reference MOU between the Georgia Department of Natural Resources (DNR), Environmental Protection Division (EPD), and the Georgia Department of Public Health (GDPH), Environmental Health Section. The Cherokee County Board of Health recognizes that some public water systems may not be permitted by EPD until the minimum number of service connections are reached.

4. MINIMUM LOT SIZES

The following minimum lot sizes are to serve single-family residences of three or four bedrooms up to two thousand heated square feet or less with basic appurtenances, i.e., driveway, minimal landscaping, and water supply line. The Cherokee County Board of Health may require larger lots when it is reasonable to anticipate larger homes or more appurtenances such as swimming pools, or tennis courts; easements or setbacks that may interfere with the installation, future repair or functioning of on-site sewage management systems may also warrant larger lot sizes. Nothing in these regulations shall be interpreted to override local zoning regulations or additional stream buffer requirements.

4- I. Where characteristics of a property permit installation of absorption fields on slopes of twenty-five percent (25%) or less, the following minimum lot size requirements shall apply:

- With on-site water (well, spring or any source of drinking water not regulated by the Georgia Department of Natural Resources) – **1.5 acres.**
- With public water supply – **0.918 acres**, *provided that the following conditions apply:*

(a). the results of a special investigation by a soil classifier demonstrate that the depth and extent of useable soils are adequate to ensure necessary treatment of effluent in the location of proposed absorption field areas and replacement areas as required in Section F-1 of the Manual for On-Site Sewage Management Systems. **See Addendum regarding 'Useable Soil' areas

(b). the width of the lot is at least 150 feet at the proposed absorption field areas and replacement areas when served by on-site water and 100 feet in width at the proposed absorption field and replacement areas when served by public water.

(c). complex slope patterns dissected by deep gullies and ravines are not acceptable for absorption field areas,

(d). erosion and sedimentation control measures are used as part of system installations and surface water drainage is diverted to prevent degradation and damage to absorption field areas.

4- II. Where characteristics of a lot dictate that absorption fields must be installed on original slopes of twenty-six percent (26%) to thirty-five percent (35%), the following minimum lot size requirements shall apply:

- With on-site water (well, spring or any source of drinking water not regulated by the Georgia Department of Natural Resources) – **1.5 acres**

- With public water supply – **1.25 acres**, *provided that the preceding conditions (a), (b), (c), (d) apply, and*

(e). the spacing of absorption field trenches, drip-emitter lines and other conduits of effluent to soils shall have twice the normal center-to-center spacing.

4- III. Where characteristics of a lot dictate that absorption fields must be installed on original slopes of thirty-six percent (36%) to fifty percent (50%), the following minimum lot size requirements shall apply:

- With on-site water supply (well, spring or any source of drinking water not regulated by the Georgia Department of Natural Resources) – **2.0 acres**,

- With public water supply – **1.5 acres**, *provided that preceding conditions (a), (b), (c), (d), (e) apply, and*

(f). when such lots are proposed for development, whether individually or as part of a subdivision, evidence must be provided that site modifications to the slope will not result in inadequate treatment of effluent. This evidence must include another special investigation by a soil classifier of the deeper soils or parent materials (saprolite) at the depths of the proposed absorption field. Deep borings, excavations or evaluations after site modifications are required. Reports must include depth to bedrock, depth to seasonal high-water table, absorption rate, and suitability code of the deeper parent materials.

(g). in addition, a design site plan (1:20 scale) based on a surveyed plat must be submitted showing the absorption field and replacement area locations with the existing and final relative contour lines at intervals of two feet, and a profile drawing showing the absorption field area before and after site modifications.

4-IV. Where characteristics of a lot dictate that absorption fields must be installed on original slopes greater than fifty percent (>50%), the following minimum lot size requirements shall apply:

- With on-site water supply (well, spring or any source of drinking water not regulated by the Georgia Department of Natural Resources) – **3 useable acres**,
- With public water supply – **2 useable acres**, *provided that* preceding conditions (a), (b), (c), (d), (e), (f) and (g) apply. In addition, site modifications and on-site sewage management systems installed on lots with original slopes greater than fifty percent (>50%) must be designed by a registered professional engineer. These designs must include:
 - seal and signature of the engineer and date for specifications prepared,
 - septic tank and absorption field plans, calculations and profile drawings with flow distribution devices,
 - plans, specifications and drawings for secondary effluent treatment,
 - location and design of associated surface water and groundwater drainage systems and erosion control measures,
 - any other information required by this department to address the characteristics of a particular site.

5. MULTI-FAMILY RESIDENCES

The preceding minimum lot sizes shall be increased by twenty-five percent (25%) per unit of residence for duplexes, apartments, and similar multi-family structures.

6. MOBILE HOME PARK LOT SIZES

Where lots in mobile home parks are individually owned and served by individual on-site sewage management systems (each lot has its own septic tank system), then lot sizes shall meet the same requirements for subdivision lots and other individual lots.

Where mobile home park lots are not individually owned but owned and managed by another party, then absorption field areas are defined as a minimum of 6000 square feet useable soils area per bedroom (3000 square feet per bedroom for initial absorption field

plus 3000 square feet per bedroom for replacement absorption field), or a minimum of 6000 square feet useable soils per 150 gallons per day (6000 square feet per bedroom.) Where a central or community on-site sewage management system services mobile home park lots, then lot sizes will be determined by the applicable rules of the Cherokee County Community Development Agency.

7. CENTRAL AND LARGE ON-SITE SEWAGE MANAGEMENT SYSTEMS

A county board of health may issue installation permits for any on-site system that serves domestic sewage up to 10,000 gallons per day where there is one property and one owner, property sizes are adequate, and proper plans for operation and maintenance of these larger systems have been approved; however, sewage must be disposed on the same property that generated it. Mobile home parks, RV parks, campgrounds and similar facilities may employ a central absorption field on the same property. Facilities that generate 2000 gallons of sewage per day or more must be designed and stamped by a registered engineer and submitted to the Cherokee County Environmental Health Office for review.

Pumping sewage effluent from multiple properties to off-site locations (other properties) will not be considered except by official variance from this board to relieve existing on-site system failures. See Section 13. Pumping off-site will not be considered for any new development, business, or residence (e.g., tiny homes, multiple cabins, fairs & festivals, subdivisions, music events, mobile home parks, condominiums, apartments, and similar facilities by whatever name called

8. EXISTING LOTS

Lots in existence prior to adoption of these regulations shall meet the lot size requirements in effect at the time the lots were properly recorded with the Cherokee County Clerk of Court. With the exception of (b), the preceding special conditions for absorption field areas on steep slopes apply as well as professional engineering for lots with absorption field slopes exceeding fifty percent (50%). However, a procedure shall be established whereby owners of properties in existence prior to adoption of these regulations may apply for exemptions and variances, including those properties to be divided for the purpose of inheritance to family members.

9. RECREATIONAL VEHICLE PARKS AND LOT SIZES

Recreational vehicle parks developed after adoption of these regulations are to have lots rented or leased as part of a common piece of property. If such lots are sold individually then this no longer constitutes a recreational vehicle park and lot

sizes fall under the preceding minimum lot size requirements for mobile home parks. Spaces or lots in new recreational vehicle parks are for temporary use only with a maximum stay of no more than 180 days with exceptions.

10. MAXIMUM DAILY FLOW SCHEDULE FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS

Given suitable conditions, properties served by a public water supply system may apply up to 1200 gallons of sewage effluent per acre per day.

Given suitable conditions, properties served by an individual water supply system may apply up to 600 gallons of sewage effluent per acre per day.

These standards apply to both existing lots and lots recorded after adoption of these lot size requirements. These standards also apply to commercial and multi-residential developments.

On-site sewage management systems with advanced nitrogen removal technologies and CBOD reduction systems may be considered for application of more gallons per day if such systems result in a proven 85% reduction in Total Kjeldahl Nitrogen (TKN) and CBOD (Biochemical Oxygen Demand), and soil conditions permit it.

11. CABIN/HOME VACATION RENTAL PROPERTY

On-site sewage management systems for vacation rental properties developed after the adoption of these regulations will be sized according to the Manual for On-Site Sewage Management Systems, Section J, Table 13.J, Sewage Flow Schedule, Cottage/Lodge. Lots to be utilized for vacation rental properties must meet both the minimum lot size requirements and the maximum daily flow schedule for on-site sewage management systems.

12. REVIEW AND APPROVAL OF NEW SUBDIVISION

It shall be the policy of this county board of health that in the review process of new subdivisions, Chapter 511-3-1-.14 shall be strictly observed, including:

No person may sell, offer for sale, lease, rent, or begin construction or otherwise begin the physical development of a lot in a subdivision or mobile home park until written approval of plans for water supply and sewage disposal in the subdivision or park has been issued from the County Board of Health.

Any plans for a new subdivision submitted for final approval without having gone through the predevelopment review process will not be accepted or approved; submittal of such final plans under these circumstances will only be considered

preliminary information for the predevelopment review process. Developers of subdivisions should understand that changes to plats and lot boundaries are almost always necessary and should not expect approval for at least 30 to 60 days or more after submitting preliminary plans. No lots may be *sold or offered for sale* until written approval has been issued from the Cherokee County Board of Health.

13. PUMPING EFFLUENT TO OFF-SITE LOCATIONS

Sewage effluent must be disposed on the same property that generated it whenever possible. Pumping to off-site locations (a different property) will not be considered except by official variance from this board to relieve existing on-site system failures and no other alternatives exist. Pumping off-site will not be considered for any new private development, business, or residence (e.g., small existing lots, tiny homes, small cabins, fairs & festivals, music events, mobile home parks, condominiums, apartments, and similar facilities by whatever name called.) Water use reduction, limiting number of occupants, graywater systems and other practical strategies must be implemented before seeking a variance from this board of health for off-site disposal.

Permits for off-site systems and multiple properties may be approved for government agencies and properties without a variance provided that such government entities and agencies have a written plan to maintain financial and physical responsibility for the operation, maintenance, and repair of these systems.

14. WATER SUPPLIES FOR PROPOSED SUBDIVISIONS

Placement of an individual well close to a shared property line with a lot served by public water has the potential to make the smaller lot undevelopable due to the required separation distance between wells and on-site sewage management systems and their replacement-repair areas.

Therefore, it is the policy of the Cherokee County Board of Health that subdivisions may not be developed with individual wells and public water systems serving the lots. A proposed subdivision may be served by individual wells or public water supplies, but not both. This does not mean a property owner may not install an individual well on a lot which meets these lot size standards and does not interfere with development of adjacent properties.

15. RECORDED PLATS

It shall be the policy of the Cherokee County Board of Health to require a recorded plat of a property prior to the issuance of a septic system installation permit for that property. Older lots of record (recorded prior to 1984) shall be exempt from this requirement provided they have a recorded deed and a current plat.

PROCEDURE FOR ADOPTION

1. Method of notice of hearing: Published in the legal organ of the Cherokee Tribune.

Date(s): Dec. 8th, 15th, and 22nd of 2022

2. Place of hearing: Cherokee County Administrative Complex located at 1130 Bluffs Pkwy Canton, Georgia, 30114

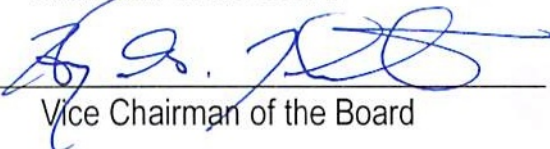
Time: 1:00 to 3:00 P.M.

Date: January 6, 2023

3. Date rule shall become effective: January 1, 2024

4. Date of adoption of rule: August 9, 2023

Signed 
Chairman of the Board

Signed 
Vice Chairman of the Board