

WATERSHED PROTECTION ORDINANCE

For

***STILL BRANCH RESERVOIR
&
FLINT RIVER INTAKE
WATER SUPPLY WATERSHED***

*City of Griffin, Georgia Regional Water Supply
serving
Spalding, Pike, Meriwether & Coweta County, Georgia*

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FIGURE 1 STILL BRANCH RESERVOIR WATERSHED FOLLOWS PAGE 8

FIGURE 2 FLINT RIVER INTAKE WATERSHED FOLLOWS PAGE 8

1.0 **Purpose.**

- 1.1 Background. The quality of public drinking water must be assured in order to provide for the health, safety, and welfare of the public and a healthy economic climate within Georgia. Unrestricted development hampers the ability of natural systems to filter storm water runoff. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, storm water runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more difficult and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials pose a risk of contamination of nearby public drinking water supplies.
- 1.2 State Regulations. Georgia Law O.C.G.A. 12-2-8 and Georgia Department of Natural Resources Regulations, 391-3-16.01 "Criteria for Water Supply Watersheds" establish the rules to be used by local governments for protection of water supply watersheds. This is accomplished by establishing buffer zones along streams and reservoirs and by establishing land use criteria within watersheds.
- 1.3 Purpose. The purpose of this ordinance is to establish land-use measures that will help protect the quality and quantity of the Flint River / Still Branch regional water supply located in Pike County, Georgia, and to minimize the transport of pollutants and sediment to the water supply, and to maintain the yield of the water supply watershed. This ordinance shall apply to the Still Branch Reservoir Water Supply Watershed, which is located within the jurisdiction of Pike County. In addition, one provision of State regulations, see Section 6.1 of this report, will apply to that portion of the Flint River Intake Water Supply Watershed within seven miles upstream of the intake point.

Figures 1 and 2 show geographic limits of the regulated area for each watershed.

- 2.0 **Definitions.** Except as specifically described herein, all words in this ordinance shall have their usual and customary meanings. The use of the singular; the present tense includes the future; the use of shall means the action is mandatory; and the use of may or should means the action is optional.

Buffer: A natural or enhanced vegetated area located adjacent to a reservoir or perennial stream within a water supply watershed.

Confined animal feeding operation: A building or fenced enclosure designed and used for the holding or fattening of animals in preparation for market.

Corridor: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

Development: Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Hazardous Material: Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. 12-8-60 et seq.

Hazardous Waste: Includes those solid and liquid wastes or combinations thereof that may cause or contribute to an increase in mortality or an increase in serious, irreversible

or incapacitating reversible illness or which pose a substantial threat to human health when improperly handled.

Impervious surface: A manmade structure or surface that prevents the infiltration of storm water into the ground below the structure or surface. Examples include buildings, roads, driveways, parking lots, decks, swimming pools, and patios.

Land-disturbing activities: Any operation that involves excavation or filling of land, clearing of vegetation or construction, rebuilding, or alteration of an existing structure. Land-disturbing activity does not include ordinary maintenance and landscaping activities, yard, and grounds maintenance, individual home gardens, repairs, or minor modifications to a single family residence or the cutting of firewood for personnel use.

Large quantity generator of hazardous waste: Any person, corporation, partnership, association or other legal entity defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. 12-8-60 et seq. and regulated by the State of Georgia under that section.

Natural vegetated area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention.

Non-conforming use: A land-use activity, building, or structure legally established prior to adoption of this Ordinance or subsequent amendment to it, that would not otherwise be permissible under the provisions of this Ordinance.

Perennial stream: A stream that flows throughout the year, as indicated by a solid blue line on the United States Geological Survey (USGS) 7-minute topographic series maps (scale of 1/24,000).

Reservoir boundary: The edge of a reservoir, defined by its normal pool level.

Setback: The distance that defines the width of a protective buffer, measured from the boundary of the feature of the landscape (e.g., a wetland or stream bank) that the buffer is designed to protect.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads.

Water Quality Critical Area: The portion of the water supply watershed nearest the public water intake, where the most stringent land use limitations of this Ordinance apply.

Water Supply Watershed: The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

3.0 Defining the Watershed District

- 3.1 Source of Water Supply. The Griffin regional water supply will include a water intake on the Flint River and a 475 acre storage reservoir on Still Branch, a small stream tributary to the Flint River. Water from the river will be pumped to the storage reservoir and then pumped to the treatment facilities. At design capacity it is estimated that withdrawals from the Flint River will contribute about 98 percent of the water supply quantity, with the remainder coming from the Still Branch watershed.

Natural watershed to the reservoir consists of only 1,500 acres or 2.3 square miles with nearly one-third of this being the reservoir surface itself. By comparison, the Flint River watershed at the point of intake receives drainage from over 800 square miles and extends 60 miles northward to its headwaters near Atlanta Airport.

- 3.2 Application of this ordinance: Under Georgia's "Criteria for Water Supply Watersheds", differing regulatory criteria apply depending upon whether the watershed is "Large" or "Small", and whether the runoff is directly into a reservoir or to an intake on a stream, and based on the distance away from the intake or reservoir. Large watersheds are defined by regulations as being 100 square miles or greater in land area, while small watersheds are defined as being less than 100 square miles in size.

Thus, the *Flint River Intake Water Supply Watershed*, with 800 square miles of watershed area, is a large watershed. Since the intake is a run of the stream intake, only one provision of this ordinance, outlined in Section 6.1 of this report, applies to activities within the area shown on Figure 2.

Still Branch Reservoir Water Supply Watershed, with 2.3 square miles of watershed area, is defined as a small watershed. All provisions of this ordinance apply to this watershed, except the one provision noted above for the large watershed.

4.0 Permits

- 4.1 Permit Requirements. Within the Still Branch Reservoir Water Supply Watershed District, all land disturbing activity, construction or other development, other than certain exempted activities identified herein, may be conducted only with a permit from Pike County and must be in full compliance with the terms of this ordinance and other applicable regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.
- 4.2 Exemptions. The following land-use activities are exempted from the permit and site plan requirements of this Ordinance:
- 4.2.1 Agriculture and Forestry. Normal agricultural and forestry are exempted provided they conform to best management practices established by the Georgia Department of Agriculture or the Georgia Forestry Commission, and provided the activity does not impair the quality of drinking water.
- 4.2.2 Mining Activities. All mining activities that are permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act, as amended, are exempted.

- 4.2.3 Existing Land Uses. Land uses existing prior to the adoption of this ordinance are exempted provided they comply with applicable regulations and best management practices.
- 4.2.4 Utilities. Utilities may be exempt from stream buffer setback distances on a case by case basis if they cannot feasibly be located outside the stream buffer. In such cases the utility must be located as far as practical from the stream in a manner that causes the least amount of disturbance.
- 4.3 Review, Permitting and Enforcement. Pike County, its agents, officers, and employees shall have primary authority for review, permitting and enforcement of the provisions of this ordinance. The City of Griffin shall have authority to review and make recommendations upon site plans for new, non-exempt developments that require a site plan according to Section 5 below.
 - 4.3.1 Pike County is hereby designated as the administrator and enforcement authority for this Ordinance.
 - 4.3.2 Pike County shall have authority to enforce this Ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. They may recover all costs, fees, and expenses about such actions as damages against the violator.
 - 4.3.3 Law enforcement officials or other officials having police powers shall have authority to help Pike County in enforcement of this Ordinance.
 - 4.3.4 Pike County shall have the authority to issue cease and desist orders in event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Section 10.
 - 4.3.5 When removal of vegetative cover, excavation, or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.
- 5.0 **Permit Review.** Applications for a development permit within the Still Branch Reservoir Water Supply Watershed District shall be submitted to Pike County who shall make an initial determination of whether or not a site plan is required according to the below criteria. A pre-application conference between the applicant and Pike County can be scheduled at the request of the applicant to review local land use restrictions, site plan requirements, and the permitting process.
- 5.1 Exemptions from Site Plan Requirement. The following activities and developments are exempt from the requirement for detailed site plans:
 - 5.1.1 Single family detached homes constructed within a subdivision of fewer than five parcels.
 - 5.1.2 Repairs to a facility that is part of a previously approved and permitted development.

- 5.1.3 Construction of minor structures, such as barns, sheds or additions to single family residences.
- 5.2 Site Plans Required. Except for the exemptions listed in this section, all new development within the Still Branch Reservoir Water Supply Watershed District shall be required to have a site plan prepared and approved according to this ordinance before any building permits or other development related permits may be issued or any land-disturbing activity may take place. Site plans shall comply with the below criteria and shall be submitted simultaneously to Pike County and the City of Griffin.
 - 5.2.1 A site plan drawn to scale showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, water courses, and drainage ways; water, wastewater, and storm water facilities; and utility installations.
 - 5.2.2 Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site.
 - 5.2.3 The orientation and distance from the boundaries of the proposed site to the nearest bank of the affected perennial stream or water body.
 - 5.2.4 Elevations of the site with Grading Plans and Erosion and Sediment Control Plans showing existing and proposed contours at two feet intervals.
 - 5.2.5 Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - 5.2.6 Boundary of any wetlands as defined by section 404 of the Clean Water Act.
- 5.3 Filing Fee. At the time of application, the applicant shall pay a filing fee in accordance with standard procedures of Pike County.
- 5.4 Review Procedures. The application shall be made to Pike County and will normally be reviewed within 30 days. The review period shall include the preparation of findings (approval or disapproval) by Pike County. If the review process is not completed within 45 days after submittal of required information, the application is considered to be approved.
- 5.5 Appeals. Decisions on permit applications made by Pike County may be appealed in accordance with standard procedures of Pike County.
- 5.6 Duration of Permit Validity. If construction described in the development permit has not commenced within twelve months from the date of issuance, the permit shall expire. If construction described in the development permit is suspended after work is commenced, the permit shall expire twelve months after the date that work ceased. Written notice of pending expiration of the development permit shall be issued by Pike County no later than 30 days prior to expiration.
- 5.7 Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform materially to the approved site plan.

6.0 Land Use Restrictions.

- 6.1 *Flint River Intake Water Supply Watershed.* As stated in Section 3.2 above, different criteria apply to the two watersheds. For the Flint River Intake, the only applicable rule comes from section (6) (d) of EPD's "Criteria for Water Supply Watersheds" which requires that new facilities that handle hazardous materials of the types and amounts determined by the Department of Natural Resources, and which are located within the seven (7) mile area tributary to the water supply intake, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources. Permit review does not apply within this watershed except to new facilities that handle regulated hazardous materials.
- 6.2 *Still Branch Reservoir Water Supply Watershed:* The following limitations on permissible uses shall apply to the entire 2.3 square mile Still Branch Reservoir Water Supply Watershed District:
- 6.2.1 Residential and Commercial Land Use. There are no restrictions, beyond standard requirements of Pike County, on types of residential and commercial land use allowed within the Water Supply Watershed District.
 - 6.2.2 Impervious Surface Limitation. No more than 25 percent of the land area of any parcel on which new development is placed may be covered by impervious surface within the Still Branch Reservoir Water Supply Watershed.
 - 6.2.3 Hazardous and Toxic Materials. No facilities that provide treatment or disposal services for toxic or hazardous waste may be located within the Water Supply Watershed District. No industries or businesses classified as large quantity generators of hazardous waste may be located within the Water Supply Watershed District. No industries or businesses that distribute or warehouse hazardous materials may be located within the Still Branch Reservoir Water Supply Watershed District.
 - 6.2.4 Agricultural Land Use. Commercial confined animal feeding operations may not be conducted within the Still Branch Reservoir Water Supply Watershed District.
 - 6.2.5 Landfills and Waste Disposal. No landfills or waste disposal facilities of any kind (except for septic tanks approved by the Local Health Department) shall be allowed within the Still Branch Reservoir Water Supply Watershed District.
 - 6.2.6 Fuel and Chemical Storage Tanks. Underground and above ground fuel or chemical storage tanks within the Water Supply Watershed District shall meet all applicable requirements set by the Georgia Environmental Protection Division.

7.0 Stream Corridor Restrictions.

- 7.1 Stream Corridor Restrictions. Georgia Department of Natural Resources Regulations, 391-3-16.01 "Criteria for Water Supply Watersheds" stipulates various restrictions for corridors along perennial streams within a watershed. However, there are no perennial streams beyond the limits of the proposed reservoir within the Still Branch Reservoir Water Supply Watershed District; therefore, those criteria do not apply to this watershed.

8.0 Nonconforming Uses.

- 8.1 Previous uses preserved generally. The lawful use of any building, structure or land use existing at the time of enactment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the nonconforming structures shall not be:
 - 8.1.1 Changed to another nonconforming use;
 - 8.1.2 Reestablished after discontinuance for one year;
 - 8.1.3 Extended except in conformity with this ordinance; or
 - 8.1.4 Structurally altered, except for repairs necessary for the continuation of the existing use.
- 8.2 Replacement of nonconforming uses. A nonconforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding 50 percent of the reasonable estimated replacement cost of the structure, building or improvement, as determined by Pike County, may not be reconstructed or restored to the same nonconforming use except upon written approval of Pike County.
- 8.3 Application to projects partially complete. For any development or activity that has received, before the effective date of this Ordinance, either special zoning approval, preliminary plat approval, site plan approval or a land disturbance permit provided by Pike County and for which substantial planning has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this ordinance.

9.0 Judicial Review.

- 9.1 Jurisdiction. All final decisions of Pike County concerning denial, approval or conditional approval of a special permit shall be subject to review by the Superior Court of Pike County.
- 9.2 Alternative Actions. Based on these proceedings and the decision of the court, Pike County may, within the time specified by the court elect to:
 - 9.2.1 Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
 - 9.2.2 Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
 - 9.2.3 Institute other appropriate actions ordered by the court that fall within the jurisdiction of Pike County.

- 10.0 Amendments.** These regulations and the Watershed District Map may from time to time be amended in accordance with procedures and requirements in general statutes and as new information become available.

- 11.0 Assessment Relief.** Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.
- 12.0 Separability and Abrogation.** All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph, or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this Ordinance. All ordinances and regulations in conflict with this ordinance are hereby repealed.

ADOPTED BY VOTE OF
 THE PIKE COUNTY, GEORGIA
 BOARD OF COMMISSIONERS
 DATE: _____

 Chairman
 (Print Name _____)

ATTEST:

 County Clerk

THE GRIFFIN, GEORGIA MAYOR
 AND CITY COUNCIL
 DATE: _____

 Mayor
 (Print Name _____)

ATTEST:

 City Clerk

ADOPTED BY VOTE OF