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SECOND READING: April 26, 2007
PUBLISHED: March 25, 2007
PUBLISHED: April 1, 2007
PASSED: April 26, 2007

STREAM BUFFER PROTECTION AND
POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW
DEVELOPMENT AND REDEVELOPMENT

A RESOLUTION TO DELETE CHAPTER 8.35 OF TITLE 8 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA AND TO RESERVE THE SAME FOR FUTURE USE AS WELL AS TO AMEND SECTION 8.40.040 OF CHAPTER 8.40, TITLE 8 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA, PERTAINING TO THE MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES BY REVISING SAID SECTION TO THE REFERENCES MADE TO CHAPTER 8.35; TO CREATE CHAPTER 8.170 OF TITLE 8 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA, ENTITLED "STREAM BUFFER PROTECTION" SO AS TO PROVIDE DEFINITIONS FOR SAID CHAPTER; TO PROVIDE FOR APPLICABILITY OF SAID CHAPTER; TO PROVIDE LAND DEVELOPMENT REQUIREMENTS; TO PROVIDE COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND REQUIREMENTS; TO PROVIDE ADDITIONAL INFORMATION REQUIREMENTS FOR DEVELOPMENT ON BUFFER ZONE PROPERTIES; TO PROVIDE FOR RESPONSIBILITY; TO PROVIDE FOR INSPECTION; TO PROVIDE FOR VIOLATIONS, ENFORCEMENT AND PENALTIES OF SAID CHAPTER; TO PROVIDE FOR ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW; TO PROVIDE FOR SEVERABILITY IN SAID CHAPTER; TO PROVIDE FOR AN EFFECTIVE DATE OF SAID CHAPTER; TO REPEAL CONFLICTING RESOLUTIONS AND ORDINANCES WITH SAID CHAPTER; AND FOR OTHER PURPOSES AS WELL AS TO CREATE CHAPTER 8.180 OF TITLE 8 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA, ENTITLED "POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT" SO AS TO PROVIDE PURPOSE AND INTENT, APPLICABILITY, ORDINANCE ADMINISTRATOR, COMPATIBILITY, SEVERABILITY AND DESIGNATION OF STORMWATER DESIGN MANUAL; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR PERMIT PROCEDURES AND REQUIREMENTS; TO REQUIRE STORMWATER MANAGEMENT FACILITIES, TO SPECIFY DESIGN CONSIDERATIONS; TO PROVIDE FOR POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA; TO PROVIDE FOR CONSTRUCTION INSPECTIONS OF POST-DEVELOPMENT STORMWATER MANAGEMENT SYSTEM; TO PROVIDE FOR ONGOING INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES AND PRACTICES; TO PROVIDE FOR SPECIAL TAX DISTRICT FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITIES; TO PROVIDE

FOR SPECIAL TAX DISTRICT FOR NONRESIDENTIAL STORMWATER MANAGEMENT FACILITIES; TO PROVIDE FOR VIOLATIONS, ENFORCEMENT AND PENALTIES; TO PROVIDE FOR AN EFFECTIVE DATE OF SAID CHAPTER; TO REPEAL CONFLICTING RESOLUTIONS AND ORDINANCES WITH SAID CHAPTER; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Hall County adopted by resolution on June 27, 1996, to become effective July 1, 1996, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Hall County as "The Official Code of Hall County, Georgia" 1996 edition published by Municipal Code Corporation; and further provided for the adoption and incorporation of any Resolution, General Resolution or Ordinance passed subsequent to July 1, 1996, to automatically become a part of The Official Code of Hall County, Georgia; and

WHEREAS, in order for Hall County, Georgia to remain in compliance with the Federal National Pollutant Discharge Elimination System (NPDES) requirements, it is necessary for the Board of Commissioners of Hall County, Georgia, to adopt a Resolution for the protection of Stream Buffers by creating Chapter 8.170 of Title 8 of the Official Code of Hall County, Georgia to be entitled "Stream Buffer Protection" and for Post Development Stormwater Management for New Development and Redevelopment in Hall County by creating Chapter 8.180 of Title 8 of the Official Code of Hall County, Georgia to be entitled "Post Development Stormwater Management for New Development and Redevelopment" for the purposes set forth in said Chapters 8.170 and 8.180; and

WHEREAS, Chapter 8.35 of Title 8 of the Official Code of Hall County, Georgia entitled "Watershed Protection" is duplicitous of the Sections being created in Chapter 8.170 of Title 8 of the Official Code of Hall County, Georgia, entitled "Stream Buffer Protection" and Chapter 8.180 of Title 8 of the Official Code of Hall County, Georgia entitled "Post Development Stormwater Management for New Development and Redevelopment" and said Chapter 8.35 should be deleted; and

WHEREAS, Section 8.40.040 of Title 8 of the Official Code of Hall County, Georgia entitled "Minimum requirements for erosion and sedimentation control using Best Management Practices" contains references to Chapter 8.35 of Title 8 of the Official Code of Hall County, Georgia entitled "Watershed Protection" that should be changed if Chapter 8.35 is deleted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA and it is hereby resolved by the authority of the same as follows:

1.

Chapter 8.35 of Title 8 of the Official Code of Hall County, Georgia, entitled "Watershed Protection" is hereby deleted in its entirety and said Chapter is reserved for future use as set forth in Exhibit "A", a copy of which is attached hereto and made a part hereof as if Exhibit "A" were originally set forth in this Resolution.

2.

Section 8.40.040 of Chapter 8.40, Title 8 of the Official Code of Hall County, Georgia entitled "Minimum requirements for erosion and sedimentation control using Best Management Practices" is hereby deleted in its entirety and a new Section 8.40.040 of Title 8 of the Official Code of Hall County, Georgia entitled "Minimum requirements for erosion and sedimentation control using Best Management Practices" is hereby adopted as set forth in Exhibit "B", a copy of which is attached hereto and made a part hereof as if Exhibit "B" were originally set forth in this Resolution.

3.

Chapter 8.170 of Title 8 of the Official Code of Hall County, Georgia, entitled "Stream Buffers" is hereby adopted. Said Chapter 8.170 of Title 8 of the Official Code of Hall County, Georgia, entitled "Stream Buffer Protection" is set forth in Exhibit "C", a copy of which is attached hereto and made a part hereof as if Exhibit "C" were originally set forth in this Resolution.

4.

Chapter 8.180 of Title 8 of the Official Code of Hall County, Georgia, entitled "Post-Development Stormwater Management For New Development and Redevelopment" is hereby adopted. Said Chapter 8.180 of Title 8 of the Official Code of Hall County, Georgia, entitled "Post-Development Stormwater Management For New Development and Redevelopment" is set forth in Exhibit "D", a copy of which is attached hereto and made a part hereof as if Exhibit "D" were originally set forth in this Resolution.

5.

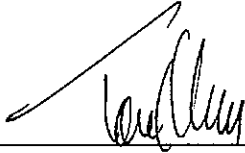
All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Hall County, is hereby adopted as part hereof.

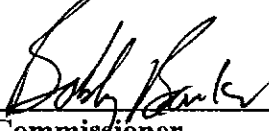
6.


If any paragraph, sub-paragraph, section, subsection, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Hall County Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

This Resolution is hereby adopted this 26th day of April, 2007, to become effective May 1, 2007, the public health, safety, and general welfare demanding it.

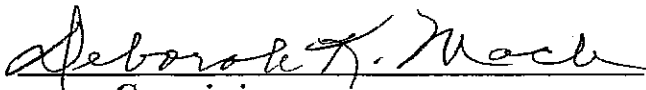
HALL COUNTY BOARD OF COMMISSIONERS

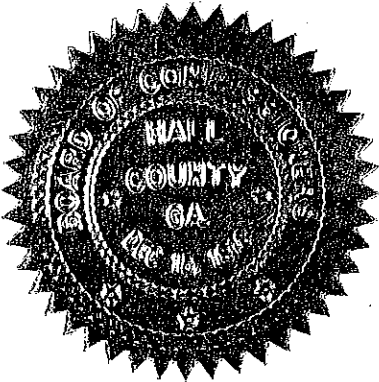
By 
Chairman


Commissioner


Commissioner

opposed - district 3
Commissioner


Commissioner



ATTEST:

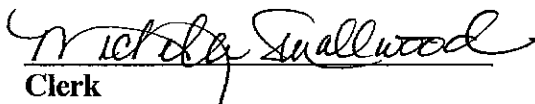

Clerk
(SEAL)

EXHIBIT "A"

CHAPTER 8.35 Reserved

EXHIBIT "B"

8.40.040 Minimum requirements for erosion and sedimentation control using Best Management Practices.

A. General provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this Chapter shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 8.40.040(B) and (C) of this Chapter. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

B. Minimum requirements/BMP'S.

1. Best management practices as set forth in Section 8.40.040(B) and (C) of this Chapter shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with this Chapter or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of code section 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by the local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with

the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.

4. The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity of receiving waters into which discharges from land-disturbing activities occur.

5. All soil erosion and sedimentation control measures will be checked daily by the "operator," and any deficiencies noted will be corrected by the end of each day. Additional erosion and sediment control measures will be installed if deemed necessary by the local issuing authority after an on-site inspection.

6. If, at any time, any reasonably notable and visible quantity of sediment leaves the property lot lines, impacts other property or any stream buffer zone, additional and appropriate erosion and sedimentation control measures shall be added immediately to prevent future violations.

C. The rules and regulations, ordinances, or resolutions adopted pursuant to this Chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia*, published by the Georgia Soil and Water Conservation Commission, as well as the following:

1. A construction exit designed in accordance with the *Manual for Erosion and Sediment Control in Georgia* must be the first element developed on a construction site. The construction exit must be maintained in such a way as to prevent any mud from being tracked onto public roads.

2. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion.

3. Cut-fill operations must be kept to a minimum.

4. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.

5. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

6. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum. The disturbed area on a project shall be no greater than 20 acres at any given time. Projects with proposed disturbed areas of greater than 20 acres will need to be graded in phases, and the proposed phasing plan and schedule will need to be shown on the approved soil erosion drawings. Mulch or temporary grassing shall be applied immediately to all exposed soil areas that have been inactive for 14 days. The mulch or temporary grassing coverage shall be maintained to a depth of two inches and shall have a continuous 90 percent soil surface coverage, or greater until final stabilization has occurred.

7. Disturbed soil shall be stabilized as quickly as practicable.

8. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.

9. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.

10. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, sediment barriers (silt fences, hay bales, rock dams, etc.) or similar measures until the disturbed area is stabilized. Silt fences shall incorporate Georgia Department of Transportation approved fabrics and utilize posts and proper post spacing in conformance to the *Manual for Erosion and Sediment Control in Georgia*. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq., and meets the definition of final stabilization as defined in this Chapter.

11. Any land disturbance within 200 feet of stream buffers, wetlands, or other critical areas designated by the Hall County Engineering Department shall require two rows of Type "C" silt fence, or one row of Type "C" silt fence backed by hay bales, appropriately installed, as per the *Manual for Erosion and Sediment Control in Georgia*.

12. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.

13. Cuts and fills may not endanger adjoining property.

14. Cuts and fills may be no steeper than a ratio of two units horizontal to one unit vertical, unless a slope stabilization technique, such as a retaining wall, is used with written approval from the local issuing authority.

15. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.

16. Grading equipment must cross flowing streams by means of bridges or culverts or other methods as approved by the local issuing authority on the permit provided that such crossings are kept to a minimum.

17. Erosion and sedimentation control plans shall include provisions for treatment to control any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent streams beyond the levels specified in Section 8.40.040 (B)(2) of this Chapter.

18. Adequate erosion and sedimentation control measures which are approved by the Manual for Erosion and Sediment Control in Georgia shall be installed prior to, or concurrently with, any grubbing or grading activity, and be maintained until "final stabilization" has been achieved.

19. Except as provided in paragraph (20) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

(a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, minor clearing of understory vegetation less than one inch in diameter is allowed. Kudzu and other similar invasive plant species of any diameter may be cleared; and

(b) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a

width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; (ii) Stream crossings for sewer lines; or (iii) Exemptions specified in Section 8.170.060 of the Official Code of Hall County, Georgia; and

(c) All requirements of Chapter 8.170 of Title 8 of the Official Code of Hall County, Georgia shall also be complied with.

20. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, "The Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, minor clearing of understory vegetation less than one inch in diameter is allowed. Kudzu and other similar invasive plant species of any diameter may be cleared; and

(b) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; (ii) Stream crossings for sewer lines; or (iii) Exemptions specified in Section 8.170.060 of the Official Code of Hall County, Georgia; and

(c) All requirements of Chapter 8.170 of Title 8 of the Official Code of Hall County, Georgia shall also be complied with

D. Nothing contained in this Chapter shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 8.40.040(B) and (C) of this Chapter.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Chapter or the terms of the permit.

EXHIBIT "C"

CHAPTER 8.170 STREAM BUFFER PROTECTION

- 8.170.010 General Provisions**
- 8.170.020 Findings and Purposes**
- 8.170.030 Definitions**
- 8.170.040 Applicability**
- 8.170.050 Grandfather Provisions**
- 8.170.060 Exemptions**
- 8.170.070 Stream Buffer and Setback Requirements**
- 8.170.080 Buffer and Setback Variance Procedures**
- 8.170.090 Compatibility with Other Buffer Regulations and Requirements**
- 8.170.100 Additional Information Requirements for Development on Buffer Zone Properties**
- 8.170.110 Responsibility**
- 8.170.120 Inspection**
- 8.170.130 Violations, Enforcement and Penalties**
- 8.170.140 Administrative Appeal and Judicial Review**

8.170.010 General Provisions

This Chapter shall be known as “Stream Buffer Protection.”

8.170.020 Findings and Purposes

A. The Board of Commissioners of Hall County, Georgia finds that buffers adjacent to streams provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
2. Removing pollutants delivered in urban stormwater;
3. Reducing erosion and controlling sedimentation;
4. Protecting and stabilizing stream banks;
5. Providing for infiltration of stormwater runoff;
6. Maintaining base flow of streams;
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
8. Providing tree canopy to shade streams and promote desirable aquatic habitat;
9. Providing riparian wildlife habitat;
10. Furnishing scenic value and recreational opportunity; and
11. Providing opportunities for the protection and restoration of greenspace.

B. It is the purpose of this Chapter to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of Hall County, Georgia for the protection of water resources; and

2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

8.170.030 Definitions

“Buffer” means, with respect to a stream, a natural or enhanced vegetated area (established by this Chapter) lying adjacent to the stream.

“Impervious Cover” means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

“Land Development” means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

“Land Development Activity” means those actions or activities which comprise, facilitate or result in land development.

“Land Disturbance” means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that does not involve construction, paving or any other installation of impervious cover.

“Land Disturbance Activity” means those actions or activities which comprise, facilitate or result in land disturbance.

“Floodplain” means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current Land Use Plan; i.e., the regulatory flood.

“Parcel” means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

“Permit” means the permit issued by Hall County, Georgia required for undertaking any land development activity.

“Person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

“Protection Area” or **“Stream Protection Area”** means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

“Riparian” means belonging or related to the bank of a river, stream, lake, pond or impoundment.

“Setback” means, with respect to a stream, the area established by this Chapter extending beyond any buffer applicable to the stream.

“Stream” means any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or

2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, Hall County, Georgia may require field studies to verify the existence of a stream.

“Stream Bank” means the sloping land that contains the stream channel and the normal flows of the stream.

“Stream Channel” means the portion of a watercourse that contains the base flow of the stream.

“Watershed” means the land area that drains into a particular stream.

8.170.040 Applicability

This Chapter shall apply to all land development activity on property containing a stream protection area as defined in the Official Code of Hall County, Georgia § 8.170.030. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law, and approval or exemption from these requirements does not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

8.170.050 Grandfather Provisions

This Chapter shall not apply to the following activities:

- A. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Chapter.
- B. Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
- C. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this Chapter.
- D. Land development activity that has not been submitted for approval, but that is part of a larger Master Development Plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this Chapter.

8.170.060 Exemptions

The following specific activities are exempt from this Chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- A. Activities for the purpose of building one of the following:
 - 1. A stream crossing by a driveway, transportation route or utility line;
 - 2. Public water supply intake or public wastewater outfall structures;
 - 3. Intrusions necessary to provide access to a property;
 - 4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - 5. Unpaved foot trails, paths and elevated boardwalks; or
 - 6. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- B. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Official Code of Hall County, Georgia § 8.170.060(A).
- C. Land development activities within a right-of-way existing at the time this Chapter takes effect or approved under the terms of this Chapter.
- D. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious cover as are necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

- E. Emergency work necessary to preserve life or property is exempt. However, when emergency work is performed under this Section, the person performing it shall report such work to the Hall County Engineering Department on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by Hall County, Georgia to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

- F. Forestry, silviculture and agricultural activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this Chapter, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Official Code of Hall County, Georgia § 8.170.080.

8.170.070 Stream Buffer and Setback Requirements

All land development activity subject to this Chapter shall meet the following requirements:

- A. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. This buffer shall not be altered or reduced by any method in this Chapter.

- B. An additional setback shall be maintained beyond the natural vegetative buffer, in which all impervious cover shall be prohibited. Stormwater management structures shall be allowed within this setback however, all other grading, filling and earthmoving shall be minimized. The setback shall be either of the following dimensions:
 - 1. For a uniform distance of 25 feet, measured horizontally, from the undisturbed natural vegetative buffer boundary.

2. For a variable distance, measured horizontally, from the undisturbed natural vegetative buffer boundary, provided that the total area encompassed by this impervious setback on the land development activity is equal to, or greater than, the total area that would be encompassed by the uniform distance of 25 feet.
- C. On properties between 10 acres and 49.9 acres, the impervious setback area may be reduced such that the sum of the undisturbed buffer area and the impervious setback area do not exceed twelve percent (12%) of the total property area of the development activity. However, in no case shall the 50 foot undisturbed buffer be reduced or altered to achieve this percentage.
 - D. On properties of 50 acres or larger, the impervious setback area may be reduced such that the sum of the undisturbed buffer area and the impervious setback area do not exceed eight percent (8%) of the total property area of the development activity. However, in no case shall the 50 foot undisturbed buffer be reduced or altered to achieve this percentage.
 - E. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback, except that existing septic systems constructed prior to the effective date of this Chapter may be maintained or replaced, but not enlarged within the required buffer and setback area.
 - F. For Water Supply Watershed Districts subject to the requirements of Chapter 17.225 of Title 17 of the Official Code of Hall County, Georgia, the minimum Stream Buffer Setbacks shall be the greater of the applicable requirements of this Chapter or those in Chapter 17.225 of Title 17 of the Official Code of Hall County, Georgia.

8.170.080 Buffer and Setback Variance Procedures

Variances from the buffer and setback requirements in this Chapter may be granted in accordance with the following provisions:

- A. Where a parcel was platted prior to the effective date of this Chapter, and its shape, topography or other existing physical condition prevents land development consistent with this Chapter, and the Hall County Engineering Department finds and determines that the requirements of this Chapter prohibit the otherwise lawful use of the property by the owner, the Hall County Engineering Department may grant a variance from the buffer and setback requirements hereunder, provided such variance requires

mitigation measures to offset the effects of any proposed land development on the parcel.

- B. Except as provided in § 8.170.080(A) above, the Board of Commissioners of Hall County, Georgia shall grant no variance from any provision of this Chapter without first conducting a public hearing on the Application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Commissioners of Hall County, Georgia. The Board of Commissioners of Hall County, Georgia shall give public notice of each such public hearing in a newspaper of general circulation within Hall County, Georgia. Hall County, Georgia shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variations will be considered only in the following cases:

1. When a property's shape, topography or other physical conditions existing at the time of the adoption of this Chapter prevents land development unless a buffer variance is granted.
2. Unusual circumstances when strict adherence to the minimal buffer requirements in the Chapter would create an extreme hardship.

Variations will not be considered when, following adoption of this Chapter, actions of any property owner of a given property have created conditions of a hardship on that property.

- C. At a minimum, a variance request shall include the following information:
1. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 3. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 4. Documentation of unusual hardship should the buffer be maintained;

5. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 6. A calculation of the total area and length of the proposed intrusion;
 7. A stormwater management site plan, if applicable; and,
 8. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- D. The following factors will be considered in determining whether to issue a variance:
1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 2. The locations of all streams on the property, including along property boundaries;
 3. The location and extent of the proposed buffer or setback intrusion;
 4. Whether alternative designs are possible which require less intrusion or no intrusion;
 5. The long-term and construction water-quality impacts of the proposed variance; and,
 6. Whether issuance of the variance is at least as protective of natural resources and the environment.

8.170.090 Compatibility with Other Buffer Regulations and Requirements

This Chapter is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

8.170.100 Additional Information Requirements for Development on Buffer Zone Properties

A. Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone; and,
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
2. A description of all proposed land development within the buffer and setback; and,
3. Any other documentation that Hall County, Georgia may reasonably deem necessary for review of the application and to insure that the requirements of this Chapter are addressed in the approval process.

B. During development activities, and all phases of construction, the buffer perimeters shall be marked with a temporary sign at an interval of one per parcel, or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The sign shall contain the following statement "Streamside Buffer – Do Not Remove or Alter Existing Native Vegetation." Other plainly visible marking methods are acceptable in lieu of the signage, including, but not limited to tree save fencing, painted markings on trees, or orange silt fence.

C. Replanting of the buffer shall be required where buffer disturbance has occurred. The replanting shall be accomplished within fourteen (14) days of the buffer impact using native vegetation or by following current Natural Resources Conservation Service (NRCS) conservation practice standards. The Hall County Engineer or his/her designee shall approve the revegetation plan.

D. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

8.170.110 Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this Chapter shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Hall County, Georgia, its officers or employees, for injury or damage to persons or property.

8.170.120 Inspection

Hall County, Georgia may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist Hall County, Georgia in making such inspections. Hall County, Georgia shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Chapter, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

8.170.130 Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this Chapter or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Chapter. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If Hall County, Georgia determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Chapter, it shall issue a written Notice of Violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Chapter without having first secured the appropriate permit therefore, the Notice of Violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

1. The Notice of Violation shall contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Chapter and the date for the completion of such remedial action;
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the Notice of Violation is directed; and,
 - f. A statement that the determination of violation may be appealed to the Magistrate Court of Hall County, Georgia by filing a written notice of appeal within thirty (30) days after the Notice of Violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, Hall County, Georgia shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, Hall County, Georgia may take any one or more of the following actions or impose any one or more of the following penalties.

1. Stop Work Order

Hall County, Georgia may issue a Stop Work Order which shall be served on the applicant or other responsible person. The Stop Work Order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violation or violations described therein, provided the Stop Work Order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

2. Withhold Certificate of Occupancy

Hall County, Georgia may refuse to issue a Certificate of Occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein.

3. Suspension, Revocation or Modification of Permit

Hall County, Georgia may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as Hall County, Georgia may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. Civil Penalties

In the event the applicant or other responsible person fails to take the remedial measures set forth in the Notice of Violation or otherwise fails to cure the violations described therein within ten days (or such greater period as Hall County, Georgia shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after Hall County, Georgia has taken one or more of the actions described above, Hall County, Georgia may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the Notice of Violation.

5. Criminal Penalties

For intentional and flagrant violations of this Chapter, any applicant, responsible person, firm, corporation, association or partnership violating any provision of this Chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this Chapter as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the Court. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

8.170.140 Administrative Appeal and Judicial Review

A. Administrative Appeal

Any person aggrieved by a decision or order of the Hall County Engineering Department pursuant to this Chapter, may appeal in writing within 15 days after the issuance of such decision or order to the Board of Commissioners of Hall County, Georgia and shall be entitled to a hearing before the Board of Commissioners of Hall County, Georgia within 45 days of receipt of the written appeal.

B. Judicial Review

Any person aggrieved by a decision or order of the Hall County Engineering Department, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Hall County, Georgia.

EXHIBIT "D"

**CHAPTER 8.180 POST-DEVELOPMENT STORMWATER MANAGEMENT
FOR NEW DEVELOPMENT AND REDEVELOPMENT**

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Article I. General Provisions

8.180.100 General Provisions

This Chapter shall be known as “Post Development Stormwater Management for New Development and Redevelopment.”

8.180.110 Purpose and Intent

The purpose of this Chapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This Chapter seeks to meet that purpose through the following objectives:

- A. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- B. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- C. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- D. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- E. Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the County’s greenspace protection plan;
- F. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater

management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,

- G. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

8.180.120 Applicability

This Chapter shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Official Code of Hall County, Georgia § 8.180.130. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

- A. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;
- B. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
- C. Any new development or redevelopment, regardless of size, that is defined by Hall County, Georgia to be a hotspot land use; or,
- D. Land development activities that are smaller than the minimum applicability criteria set forth in (A) and (B) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

8.180.130 Exemptions

The following activities are exempt from this Chapter:

- A. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- B. Additions or modifications to existing single-family or duplex residential structures;
- C. Agricultural or silvicultural land management activities within areas zoned for these activities;

- D. Repairs to any stormwater management facility or practice deemed necessary by Hall County, Georgia; and
- E. Residential subdivisions of six (6) lots or less with all lots accessing existing Hall County, Georgia roads.

8.180.140 Designation of Ordinance Administrator

The Hall County Engineer and his designees are hereby appointed to administer and implement the provisions of this Chapter.

8.180.150 Compatibility with Other Regulations

This Chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

8.180.160 Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this Chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Chapter.

8.180.170 Stormwater Design Manual

For the stormwater design manual, Hall County, Georgia will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the *Georgia Stormwater Management Manual* and any relevant local addenda, for the proper implementation of the requirements of this Chapter. All references to the *Georgia Stormwater Management Manual* (GSMM) are presumed to be the “latest edition” as defined on the GSMM website at www.georgiastormwater.com.

Article II. Definitions

8.180.200 Definitions

“Applicant” means a person submitting a post-development stormwater management application and plan for approval.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“Conservation Easement” means an agreement between a land owner and Hall County, Georgia or other government agency or land trust that permanently protects open space or greenspace on the owner’s land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

“Detention” means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

“Detention Facility” means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

“Developer” means a person who undertakes land development activities.

“Development” means a land development or land development project.

“Drainage Easement” means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

“Erosion and Sedimentation Control Plan” means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

“Extended Detention” means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

“Extreme Flood Protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

“Flooding” means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

“Greenspace” or **“Open Space”** means permanently protected areas of the site that are preserved in a natural state.

“Hotspot” means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

“Hydrologic Soil Group (HSG)” means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

“Impervious Cover” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces

include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

“Industrial Stormwater Permit” means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

“Infiltration” means the process of percolating stormwater runoff into the subsoil.

“Jurisdictional Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land Development” means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

“Land Development Activities” means those actions or activities which comprise, facilitate or result in land development.

“Land Development Project” means a discrete land development undertaking.

“Inspection and Maintenance Agreement” means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

“New Development” means a land development activity on a previously undeveloped site.

“Nonpoint Source Pollution” means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Nonstructural Stormwater Management Practice” or **“Nonstructural Practice”** means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

“Off-Site Facility” means a stormwater management facility located outside the boundaries of the site.

“On-Site Facility” means a stormwater management facility located within the boundaries of the site.

“Overbank Flood Protection” means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the

capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

“Owner” means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

“Permit” means the permit issued by Hall County, Georgia to the applicant which is required for undertaking any land development activity.

“Person” means, except to the extent exempted from this Chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

“Post-development” refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

“Pre-development” refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

“Private Residential Subdivision” means a residential subdivision in which streets, parks, drains, easements, and public grounds shown on the final plat are dedicated to the use of the applicable homeowner’s association forever.

“Project” means a land development project.

“Public Residential Subdivision” means a residential subdivision in which the streets, parks, drains, easements, and public grounds shown on the final plat are dedicated to use of the public forever.

“Redevelopment” means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

“Regional Stormwater Management Facility” or **“Regional Facility”** means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

“Runoff” means stormwater runoff.

“Site” means the parcel of land being developed, or the portion thereof on which the land development project is located.

“Stormwater Better Site Design” means nonstructural site design approaches and techniques that can reduce a site’s impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

“Stormwater Management” means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

“Stormwater Management Facility” means any infrastructure that controls or conveys stormwater runoff.

“Stormwater Management Measure” means any stormwater management facility or nonstructural stormwater practice.

“Stormwater Management Plan” means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Chapter.

“Stormwater Management System” means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

“Stormwater Retrofit” means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

“Stormwater Runoff” means the flow of surface water resulting from precipitation.

“Structural Stormwater Control” means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

“Subdivision” means the division of a tract or parcel of land into two or more lots, building sites or other divisions as defined in Official Code of Hall County, Georgia § 17.20.1210.

Article III. Permit Procedures and Requirements

8.180.300 Permit Application Requirements

A. No owner or developer shall perform any land development activities without first meeting the requirements of this Chapter prior to commencing the proposed activity.

B. Unless specifically exempted by this Chapter, any owner or developer proposing a land development activity shall submit to Hall County, Georgia a permit application on a form provided by Hall County, Georgia for that purpose.

C. Unless otherwise exempted by this Chapter, a permit application shall be accompanied by the following items in order to be considered:

1. Stormwater concept plan and consultation meeting certification in accordance with Official Code of Hall County, Georgia § 8.180.310;
2. Stormwater management plan in accordance with Official Code of Hall County, Georgia § 8.180.320;
3. Inspection and maintenance agreement in accordance with Official Code of Hall County, Georgia § 8.180.330, if applicable;
4. Performance bond in accordance with Official Code of Hall County, Georgia § 8.180.340 ; if applicable; and,
5. Permit application and plan review fees in accordance with Official Code of Hall County, Georgia §§ 8.180.350 and 8.180.360.

8.180.310 Stormwater Concept Plan and Consultation Meeting

Before any stormwater management permit application is submitted, it is recommended that the land owner or developer meet with Hall County, Georgia for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information shall be included in the concept plan which shall be submitted in advance of the meeting:

A. Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

B. Natural Resources Inventory

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover,

topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

C. Stormwater Management System Concept Plan

A written or graphic concept plan of the proposed post-development stormwater management system including:

1. Preliminary selection and location of proposed structural stormwater controls;
2. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;
3. Flow paths;
4. Location of floodplain/floodway limits;
5. Relationship of site to upstream and downstream properties and drainages; and
6. Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

Local watershed plans, the county greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

8.180.320 Stormwater Management Plan Requirements

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Chapter, including the performance criteria set forth in Official Code of Hall County, Georgia § 8.180.400 through § 8.180.480.

This plan shall be in accordance with the criteria established in this Section and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the State of Georgia. The reports, documents and other materials required by Official Code of Hall County, Georgia § 8.180.320(C), (D) and (E) shall be prepared under the direct supervisory control of a registered Professional Engineer, who shall seal and sign the work. Portions of the overall plan may be prepared and stamped by a registered Land Surveyor licensed in the

State of Georgia as appropriate, such as boundary surveys, contour maps, and erosion and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this Chapter are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the stormwater management site plan checklist found in the *Georgia Stormwater Management Manual*. This includes:

- A. Common address and legal description of site;
- B. Vicinity Map;
- C. Existing Conditions Hydrologic Analysis
 1. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, shall include:
 - a. A topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project;
 - b. All perennial and intermittent streams and other surface water features;
 - c. All existing stormwater conveyances and structural control facilities;
 - d. Direction of flow and exits from the site;
 - e. Analysis of runoff provided by off-site areas upstream of the project site; and
 - f. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
 2. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

D. Post-Development Hydrologic Analysis

The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:

1. A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;
2. Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project;
3. Calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Official Code of Hall County, Georgia § 8.180.400 to § 8.180.480;
4. Location and boundaries of proposed natural feature protection and conservation areas;
5. Documentation and calculations for any applicable site design credits that are being utilized; and
6. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Official Code of Hall County, Georgia § 8.180.400 to § 8.180.480 must be met for the stormwater runoff from the entire site.

E. Stormwater Management System

The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include:

1. A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;
2. A narrative describing how the selected structural stormwater controls will be appropriate and effective;

3. Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;
4. Hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
5. Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Official Code of Hall County, Georgia § 8.180.400 to § 8.180.480;
6. Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and
7. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

F. Post-Development Downstream Analysis

A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the *Georgia Stormwater Management Manual*.

G. Construction-Phase Erosion and Sedimentation Control Plan

An erosion and sedimentation control plan in accordance with Chapter 8.40 of Title 8 of the Official Code of Hall County, Georgia or NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

H. Landscaping and Open Space Plan

A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include:

1. The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan;
2. Information necessary to construct the landscaping elements shown on the plan drawings;
3. Descriptions and standards for the methods, materials and vegetation that are to be used in the construction;
4. Density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and
5. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

I. Operations and Maintenance Plan

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

J. Maintenance Access Easements

1. Stormwater Management Facility Easements, Residential

The developer shall execute twenty (20) foot easements in favor of Hall County, Georgia to include the following:

- a. An easement encompassing the entire perimeter of the facility and shall be measured from the 100-year stormwater ponding limits or six (6) inches above the elevation of the overflow;
- b. A twenty (20) foot access easement measured ten feet in both directions from the appropriate centerline of all

associated piping, channels, ditches, streams or other areas that are designed for stormwater to flow to and from the stormwater management facility;

- c. A twenty (20) foot easement connecting the facility to the nearest public road;

The easement(s) will be in favor of Hall County, Georgia to allow Hall County, Georgia to inspect and maintain the facility as necessary. No obstruction shall be built, constructed, or planted that would inhibit proper function of the facility, associated drainage systems, or the easement(s). No portion of the easement(s) to and from the Hall County, Georgia road and around the perimeter of the facility will be steeper than a grade of 3:1. The access easement must be clearly staked at the time of final platting.

2. Stormwater Management Facility Easements, Non-Residential

The property owner shall execute a twenty (20) foot drainage easement surrounding the entire perimeter of the facility in favor of Hall County, Georgia to allow Hall County, Georgia to inspect and observe the facility as necessary. The easement boundary shall be measured from the 100-year stormwater ponding limit or six (6) inches above the elevation of the overflow. The property owner shall additionally grant permission to Hall County, Georgia, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever Hall County, Georgia deems necessary. Hall County, Georgia maintains the right to make emergency repairs to the facility as deemed necessary. No obstruction shall be built, constructed or planted that would inhibit proper function of the facility, associated drainage systems, or the easement(s).

K. Inspection and Maintenance Agreements

Unless an on-site stormwater management facility or practice is dedicated to and accepted by Hall County, Georgia as provided in Official Code of Hall County, Georgia § 8.180.510, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Official Code of Hall County, Georgia § 8.180.330.

L. Evidence of Acquisition of Applicable Local and Non-local Permits

The applicant shall certify and provide documentation to the Hall County Engineering Department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

8.180.330 Stormwater Management Inspection and Maintenance Agreements

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which Hall County, Georgia requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by Hall County, Georgia, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by Hall County, Georgia prior to plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, Hall County, Georgia may also enforce all of the provisions for ongoing inspection and maintenance in Official Code of Hall County, Georgia § 8.180.610 to § 8.180.630.

Hall County, Georgia, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

8.180.340 Performance and Maintenance Bonds

Residential stormwater management systems must be bonded as provided in Official Code of Hall County, Georgia § 16.30.360.

8.180.350 Application Procedure

- A. Applications for land development permits shall be filed with the Hall County Planning Department.
- B. Permit Applications shall include the items set forth in Official Code of Hall County, Georgia § 8.180.300 above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).
- C. Hall County, Georgia shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
- D. If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, Hall County, Georgia shall provide the applicant redline comments and a checklist of items needing revision. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event Official Code of Hall County, Georgia § 8.180.350(C) above and this subparagraph shall apply to such resubmittal.
- E. Upon a finding by Hall County, Georgia that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this Chapter, Hall County, Georgia may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- F. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - 1. The applicant shall comply with all applicable requirements of the approved plan and this Chapter and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 - 2. The land development project shall be conducted only within the area specified in the approved plan;

3. Hall County, Georgia shall be allowed to conduct periodic inspections of the project;
4. No changes may be made to an approved plan without review and written approval by Hall County, Georgia; and,
5. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Official Code of Hall County, Georgia § 8.180.510.

8.180.360 Application Review Fees

The fee for review of any stormwater management permit application shall be based on the fee structure established by Hall County, Georgia and shall be made prior to the issuance of any building permit for the development.

8.180.370 Modifications for Off-Site Facilities

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the Hall County Engineering Department which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of Hall County, Georgia that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- A. Increased threat of flood damage to public health, life, and property;
- B. Deterioration of existing culverts, bridges, dams, and other structures;
- C. Accelerated streambank or streambed erosion or siltation;
- D. Degradation of in-stream biological functions or habitat; or

- E. Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

8.180.380 Stormwater Management Facilities, Design Considerations

A. Fencing

Fences and warning signs will be required on all detention ponds, constructed wetlands, retention ponds or similar devices where the sides of the device adjacent to the water are steeper than a 3:1 grade and the depth of the water in the pond is greater than three feet during a 25-year storm event. Fences shall be five feet tall with a fourteen foot wide gate. Fences shall be chain link or other approved material. The gate shall be locked with a Master Number One lock that is keyed as per the Hall County Engineer. Residential fences shall be located on the outside edge of the twenty (20) foot perimeter easement. Commercial fencing should be located on the outside edge of the twenty (20) foot perimeter easement when possible, but may be located elsewhere with the Hall County Engineering Department's approval.

B. Survey Marker

A concrete survey marker shall be placed in the near vicinity of the stormwater management facility. The marker shall be a minimum of five inches by five inches in width and be embedded one foot into the ground. The marker shall have a "PK" nail embedded in the top. The marker must be placed above the high water elevation of the facility and within the drainage easement area. Alternate survey markers are allowed with prior approval from the Hall County Engineer.

C. Outlet Structure and Piping Construction

Outlet structures and piping for residential above-ground detention facilities must be constructed of concrete to be eligible for acceptance into the Hall County, Georgia maintenance system.

D. Residential Underground Stormwater Management Facilities

Residential underground stormwater management facilities must be constructed of materials with a service life of greater than 50 years, and must be designed to allow for proper inspection and maintenance. Residential underground facilities will not be accepted into the Hall County, Georgia maintenance system until the subdivision has reached a point of 85% build-out, or greater. Until such acceptance time, the underground facilities must be bonded for 100% of entire cost of facility.

Article IV Post-Development Stormwater Management Performance Criteria

8.180.400 Performance Criteria

The performance criteria in the Official Code of Hall County, Georgia §§ 8.180.410 through 8.180.480 shall be applicable to all stormwater management plans, unless otherwise provided for in this Chapter:

8.180.410 Water Quality

All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- A. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the *Georgia Stormwater Management Manual*;
- B. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual*; and,
- C. Runoff from hotspot land uses and activities identified by Hall County, Georgia are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

8.180.420 Stream Channel Protection

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- A. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- B. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; and
- C. Erosion prevention measures such as energy dissipation and velocity control.

8.180.430 Overbank Flooding Protection

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under the Official Code of Hall County, Georgia § 8.180.420 is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.

8.180.440 Extreme Flooding Protection

Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24 hour return frequency storm event such that flooding is not exacerbated.

8.180.450 Structural Stormwater Controls

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the *Georgia Stormwater Management Manual*. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the *Georgia Stormwater Management Manual*, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from Hall County, Georgia before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, Hall County, Georgia may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the *Georgia Stormwater Management Manual* for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

8.180.460 Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Official Code of Hall County, Georgia § 8.180.410. The applicant may, if approved by Hall County, Georgia, take credit for the use of stormwater better site design practices and reduce the water

quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the *Georgia Stormwater Management Manual*.

8.180.470 Drainage System Guidelines

Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters, shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- A. Methods to calculate stormwater flows shall be in accordance with the *Georgia Stormwater Management Manual*;
- B. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the *Georgia Stormwater Management Manual*; and,
- C. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the *Georgia Stormwater Management Manual*.

8.180.480 Dam Design Guidelines

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

*Article V. Construction Inspections of
Post-Development Stormwater Management Systems*

8.180.500 Inspections to Ensure Plan Compliance During Construction

Periodic inspections of the stormwater management system construction shall be conducted by the staff of Hall County, Georgia or conducted and certified by a Professional Engineer who has been approved by Hall County, Georgia. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

- A. The date and location of the inspection;
- B. Whether construction is in compliance with the approved stormwater management plan;
- C. Variations from the approved construction specifications; and,
- D. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

8.180.510 Final Inspection and As-Built Plans

- A. Residential Systems.
 - 1. Stormwater management facilities that have been constructed in accordance with the approved plans will be inspected at the time of final platting, and a punch list will be provided at that time. Prior to final plat approval, the following items must be completed:
 - a. All punch list items must be properly addressed.
 - i. The as-built plans for the project shall be submitted in appropriate electronic and hard copy form and be incorporated into the final plat. The as-built plans shall show all stormwater management facilities and associated infrastructure, field run topographic map of facilities, state plane coordinates and mean sea

level elevations of all outfalls, survey markers, and outlet control structures, and final design specifications for stormwater management facilities and practices. All easements will be shown in addition to a note stating that no obstructions shall be built, constructed, or planted that will interfere with the facility or its easements. The designer shall provide certification that the completed project is in accordance with the approved stormwater management plan. The as-built must be certified by a Professional Engineer.

- ii.* The stormwater management facility will be bonded as provided in Official Code of Hall County, Georgia § 16.30.360.
- iii.* All accumulations of silt will be removed so that the grade of the bottom of the pond is at the design grade.

b. Subsequently, the facilities will be inspected prior to release of bonds. At that time, any deficiencies in the facility will be noted in the final letter. The following items must be completed at that time, and facilities in public subdivisions will be accepted into the Hall County, Georgia maintenance system once complete:

- i.* All deficiencies noted on the final acceptance letter must be properly addressed.
- ii.* All accumulations of silt will be removed so that the grade of the bottom of the pond is at the design grade.
- iii.* The entire stormwater management facility needs to be stabilized with permanent vegetation as shown on the approved plans.

B. Non-residential Systems.

A final inspection of non-residential stormwater management systems will occur at the time the developer requests a certificate of occupancy inspection. At that time, any deficiencies in the facility will be noted as a punch-list item. The commercial development will not receive a certificate of occupancy until the following items are completed:

1. The as-built plans for the project shall be submitted in appropriate electronic and hard copy form and shall show all stormwater management facilities and associated infrastructure, field run topographic map of facilities, state plane coordinates and mean sea level elevations of all outfalls, survey markers, and outlet control structures, and final design specifications for stormwater management facilities and practices. All easements will be shown in addition to a note stating that no obstructions shall be built, constructed, or planted that will interfere with the facility or its easements. The designer shall provide certification that the completed project is in accordance with the approved stormwater management plan. The as-built must be certified by a Professional Engineer.
2. All accumulations of silt need to be removed so that the grade of the bottom of the pond is at the design grade.
3. The entire stormwater management facility shall be stabilized with permanent vegetation as shown on the approved plans.

***Article VI. Ongoing Inspection and Maintenance
of Stormwater Facilities and Practices***

8.180.600 Long-Term Inspection and Maintenance of Stormwater Facilities and Practices

- A. Inspection, maintenance, and repair of systems in public residential subdivisions

Upon acceptance as provided in Official Code of Hall County, Georgia § 8.180.510(A), Hall County, Georgia will periodically inspect public residential stormwater management facilities to determine that they are functioning properly. The maintenance and repair of the stormwater management facility shall be the responsibility of Hall County, Georgia.

- B. Inspection, maintenance, and repair of non-residential systems and private residential subdivisions:

The Hall County Engineering Department will inspect non-residential and private residential stormwater management facilities periodically to determine that they are functioning properly. Deficiencies

will be noted to the Owner, or Homeowner's Association (HOA) in writing. It shall be the responsibility of the Owner or HOA to repair deficiencies in a timely manner. Failure on the part of the Owner or HOA to repair deficient stormwater management facilities will be a violation of this Chapter. Hall County, Georgia may determine that the condition of the facility poses a threat to the public health, safety, and welfare and warrants immediate action. If the owner of such a facility does not make repairs in a time allowed by Hall County, Georgia, then Hall County, Georgia may determine that it is necessary to make an emergency repair as allowed in Official Code of Hall County, Georgia § 8.180.630. The cost of such repairs will be assessed to the property owner through the special tax district.

8.180.610 Right-of-Entry for Inspection

The terms of the inspection and maintenance agreement shall provide for Hall County, Georgia to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter.

8.180.620 Records of Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to Hall County, Georgia.

8.180.630 Failure to Maintain

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Hall County, Georgia, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Hall County, Georgia may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Article VII. Special Tax Districts

8.180.700 Special Tax District for Public Residential Stormwater Management Facilities

A. Ratification of Existing District

The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for inspection, maintenance, and repair of residential stormwater management facilities in unincorporated Hall County, Georgia and incorporated areas of Hall County, Georgia in which the County is the issuing authority, as shown by the records in the office of the Hall County Engineer to which reference is hereby made for a full and complete description of the district hereinbefore created. All subdivisions permitted on or after the effective date of this Chapter shall be added to the special taxing district.

B. Responsibility For Costs

The cost of construction (if applicable), inspection, maintenance, and repair of residential stormwater management facilities in the existing taxing district, and in the areas hereinafter added to the taxing district, shall be borne by the residents, lot owners, and property owners whose lot or property lies in the boundary of a subdivision served by a stormwater management facility.

C. Fee

The charge assessed to each property owner in the district for inspecting, maintaining, and repairing the facility shall be \$25.00 per year, or as amended by the Board of Commissioners of Hall County, Georgia.

D. Petition for addition to the special taxing district for stormwater management facility inspection, maintenance, and repair in subdivisions

Any lot owner being served by a stormwater management facility in Hall County, Georgia may present a request to be added to the special taxing district to the Hall County Engineer. Upon receipt of the request, the Hall County Engineer shall determine the appropriate boundaries for addition to the special taxing district for stormwater management facilities that will serve the lot owner presenting the request and neighboring lot owners. The boundary shall consist of the subdivision that is served by the stormwater management facility and adjoining land owners served by the facility that agree to be included in the special tax district. The Hall County Engineer shall then prepare a plat showing this area for addition to the special taxing district for stormwater management facilities, and a petition for the addition to the special taxing district for stormwater management facilities shall then be circulated among the lot owners in the proposed district. The completed petition must be returned to the Hall County Engineering Department, and application fees must be paid at that time. If 51 percent of the lot owners in the proposed district sign the petition in affirmation for the addition to the special taxing district for existing stormwater management facilities, the petition shall be presented to the Board of Commissioners of Hall County, Georgia. The Board of

Commissioners shall conduct two public hearings for the purpose of determining whether or not to add the proposed area to the special district for stormwater management facilities. The public hearings shall be advertised one time in the official organ of Hall County, Georgia, giving notice of the hearings, at least 15 days before the public hearings. The Hall County Engineer will verify the signatures on the petition prior to advertising the public hearings.

E. Payment date, delinquencies

The due date for the payment of drainage district assessment charges herein provided for shall be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not be deemed paid until all real estate taxes are paid in full.

F. Responsibilities of revenue collections department

The billing, accounting, collecting, and receiving of the moneys herein provided for are hereby declared the responsibility of the Finance and Tax Commissioner's Departments of Hall County, Georgia.

8.180.710 Special Tax District for Nonresidential and Private Residential Stormwater Management Facilities

A. Ratification of existing district

The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for the inspection and emergency repairs of nonresidential stormwater management facilities in unincorporated areas of Hall County, Georgia, and incorporated areas in which Hall County is the soil erosion issuing authority, as shown by the records in the office of the Hall County Engineer to which reference is hereby made for a full and complete description of the district hereinbefore created. All nonresidential projects and private subdivisions permitted on or after the effective date of this Chapter shall be added to the special taxing district.

B. Responsibility for costs

The cost of inspection and emergency repairs completed by Hall County of nonresidential and private residential stormwater management facilities in the existing taxing district, and in the areas hereinafter added to the taxing district, shall be borne by the property owners whose lot or property lies in the boundary of said district served by a stormwater management facility.

C. Fees

The charge assessed to each property owner in the district for inspecting the facility shall be \$25.00 per year for nonresidential facilities and \$10 per year for private residential facilities, or as amended by the Hall County Board of Commissioners.

Additional costs will be assessed for any necessary emergency repairs performed by Hall County, Georgia on the facility.

D. Payment date, delinquencies

The due date for the payment of drainage district assessment charges herein provided for shall be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not be deemed paid until all real estate taxes are paid in full.

E. Responsibilities of revenue collections department

The billing, accounting, collecting, and receiving of the moneys herein provided for is hereby declared the responsibility of the Finance and Tax Commissioner's Departments of Hall County, Georgia

Article VIII. Violations, Enforcement and Penalties

8.180.800 Enforcement

Any action or inaction which violates the provisions of this Chapter or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Chapter. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this Article shall not prevent such equitable relief.

8.180.810 Notice of Violation

If Hall County, Georgia determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Chapter, it shall issue a written Notice of Violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Chapter without having first secured a permit therefore, the Notice of Violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The Notice of Violation shall contain:

- A. The name and address of the owner or the applicant or the responsible person;

- B. The address or other description of the site upon which the violation is occurring;
- C. A statement specifying the nature of the violation;
- D. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this Chapter and the date for the completion of such remedial action;
- E. A statement of the penalty or penalties that may be assessed against the person to whom the Notice of Violation is directed; and,
- F. A statement that the determination of violation may be appealed to the Magistrate Court of Hall County, Georgia by filing a written notice of appeal within thirty (30) days after the Notice of Violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

8.180.820 Penalties

In the event the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, Hall County, Georgia shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, Hall County, Georgia may take any one or more of the following actions or impose any one or more of the following penalties.

A. Stop Work Order

Hall County, Georgia may issue a Stop Work Order which shall be served on the applicant or other responsible person. The Stop Work Order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violation or violations described therein, provided the Stop Work Order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

B. Withhold Certificate of Occupancy

Hall County, Georgia may refuse to issue a Certificate of Occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein.

C. Suspension, Revocation or Modification of Permit

Hall County, Georgia may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as Hall County, Georgia may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

D. Civil Penalties

In the event the applicant or other responsible person fails to take the remedial measures set forth in the Notice of Violation or otherwise fails to cure the violations described therein within ten days, or such greater period as Hall County, Georgia shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after Hall County, Georgia has taken one or more of the actions described above, Hall County, Georgia may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the Notice of Violation.

E. Criminal Penalties

For intentional and flagrant violations of this Chapter, any applicant, responsible person, firm, corporation, association or partnership violating any provision of this Chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this Chapter as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, Georgia, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the Court. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.