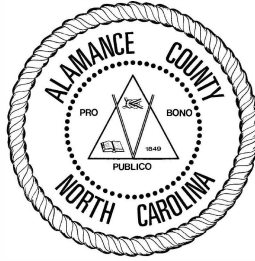


**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Alamance County Development Center  
Conference Room

1946 Martin Street  
Burlington, NC 27215  
June 11, 2026 at 6:30 PM

# ALAMANCE COUNTY PLANNING BOARD AGENDA

Livestream:<rtmp://a.rtmp.youtube.com/live2>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
  - A. May 14, 2026 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
  - A. Second review of UDO Article 6.9 Subdivision draft amendments
- VII. NEW BUSINESS**
  - A. Northeastern Alamance VFD SNIA Permit Application
  - B. Consideration of UDO Article 7.3 Jordan Lake draft amendments
  - C. Consideration of UDO Article 7.4 Stormwater draft amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
  - A. Land Use Map / Rural Preservation Ordinance discussion
- IX. ADJOURNMENT**

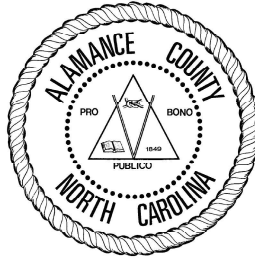
*(Public Comments Procedures)*

- 1. Those wishing to make public comments should sign-in prior to the meeting.*
- 2. In order to be fair and ensure that all citizens wishing to speak may be heard, the Chair may place time limits on public comments.*
- 3. Any further discussion by the public on a given agenda item is subject to the discretion of the Chair of the Planning Board.*

*PLEASE NOTE:* *None of the draft UDO amendments listed this agenda are being proposed for immediate implementation. These draft changes are part of the Planning Board's ongoing process to update and clarify the entire development ordinance. UDO draft changes are merely discussion items at this point.*

**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
May 14, 2026 at 6:30 PM

# ALAMANCE COUNTY PLANNING BOARD

## May Meeting Minutes

Livestream: <https://tinyurl.com/22kb3exe>

### I. CALL TO ORDER

Chair Rodney Cheek called the May 14, 2026 meeting of the Alamance County Planning Board to order at 6:30 p.m

### II. ROLL CALL

**Present:** Rodney Cheek,  
Lee Isley, Lee Kimrey,  
Tom King, Amie Perkins  
**Absent:** Mac Jordan,  
Henry Chandler, Smoky  
Bare, Stephen Dodson

**Staff Present:** Matthew  
Hoagland: *Planning  
Director*, Keyshawn Haith:  
*Planner 1*, Michelle Horn:  
*Assistant County Attorney*,  
Kwame Opat: *Assistant*

*County Attorney*, Rob  
Snow: *Environmental  
Health Soil Scientist*, Brian  
Baker, *Assistant County  
Manager*

### III. APPROVAL OF PLANNING BOARD MINUTES

#### A. April 9, 2026 Regular Meeting

Staff noted that Rob Snow should be added as present. Lee Isley made a motion to approve the minutes as amended, seconded by Amie Perkins. The motion carried unanimously.

### IV. PUBLIC COMMENTS\*

David Mays addressed the Board regarding a previously discussed property and permitting concern near the Saxapahaw/Bethlehem Church Road area. Mr. Mays stated that County staff, including Planning staff, had visited the site and reviewed the matter. He discussed concerns related to an ongoing issue involving a neighboring property, including questions about enforcement, permit oversight, and timelines for resolution. Mr. Mays also suggested that the County consider policies restricting additional permits for individuals with unresolved violations. Mr. Mays additionally expressed concerns regarding continued residential growth and development activity in the area, including the potential impact of large-scale housing developments on traffic, infrastructure, schools, wildlife, and watershed resources. He stated concerns about the pace and scale of growth occurring in the County and thanked the Board for its time.

Laura Freeman addressed the Board regarding concerns over several proposed residential developments in the Saxapahaw area and the cumulative impact of rapid growth. Ms. Freeman stated that her primary concern was groundwater availability and whether existing water resources could adequately support the scale of development being proposed. She referenced discussions with scientists, hydrologists, and neighboring property owners regarding well-capacity and groundwater conditions. Ms. Freeman expressed concerns that current subdivision regulations may not fully account for multiple large-scale developments occurring simultaneously within the same area. She encouraged the Board and County officials to closely evaluate infrastructure and water supply impacts associated with future growth and suggested consideration of a temporary pause or moratorium on certain high-density or well-dependent subdivisions until additional review could occur.

Warren Schoenfeld spoke regarding property he owns along Austin Quarter Road and echoed concerns previously raised about the scale of proposed residential development and potential impacts on groundwater resources in the area. Mr. Schoenfeld discussed the history of his property ownership and concerns regarding the long-term availability of well water for existing residents. Mr. Schoenfeld also raised questions regarding potential road improvements along Austin Quarter Road after being contacted about a possible easement request related to future development access. He asked for clarification regarding which governmental entity would oversee road improvement decisions and development-related roadway changes.

## **V. BOARD/COMMISSIONER RESPONSES**

During Board discussion, members requested additional explanation regarding the Technical Review Committee (TRC) process and how large-scale subdivision developments are reviewed by the County. Planning Director Matthew Hoagland explained that the TRC process serves as a coordinated review process for development proposals in the unincorporated areas of the County. He stated that the process includes participation from multiple departments and agencies, including Planning, Environmental Health, Fire Marshal staff, Building Inspections, GIS, NCDOT, and other agencies as needed depending on the project. Mr. Hoagland further explained that major subdivisions are subject to various technical and infrastructure review requirements, including roadway access standards, right-of-way considerations, and coordination with NCDOT for public road improvements. He noted that large subdivision proposals must proceed through numerous technical review steps before final approvals can occur.

Additional discussion followed between Board members, members of the public, and Planning Director Matthew Hoagland regarding the County's subdivision review and permitting processes. Topics included Technical Review Committee procedures, subdivision approvals, road standards, building permit closeout procedures, and environmental review requirements associated with large-scale residential developments. Mr. Hoagland explained that subdivision approvals in the unincorporated areas are administrative decisions based upon compliance with the County's Unified Development Ordinance and other applicable state and local regulations. Discussion included the distinction between objective ordinance standards and broader policy concerns related to growth, traffic, and rural character. Board members and members of the public also discussed groundwater availability, well regulations, septic feasibility, and environmental permitting requirements associated with major subdivision developments. Staff explained that technical

review of groundwater capacity and well yield requirements involve Environmental Health and state agencies, including the North Carolina Department of Environmental Quality. Staff further noted that subdivision proposals must meet applicable technical standards and regulatory requirements before approvals may proceed.

## VI. OLD BUSINESS

### A. Second review of UDO Article 6.5 HIDO draft amendments

Planning Director Matthew Hoagland presented revised draft amendments to Article 6.5 of the Unified Development Ordinance related to Heavy Industrial Development regulations. Mr. Hoagland explained that the revisions reflected changes and discussion from the Board's previous meeting.

Mr. Hoagland reviewed proposed amendments to Sections 6.5.3 and 6.5.4, including revisions clarifying roadway access requirements, accommodations for secondary emergency access entrances, Class II buffering standards, public hearing notification procedures, Intent-to-Construct permit approvals, and permit duration requirements. Staff also reviewed proposed language clarifying what would constitute a "substantial impact" requiring an additional public hearing. Mr. Hoagland additionally reviewed proposed definition amendments involving inert debris landfills, renewable energy facilities, resource extraction uses, data centers, and landfill classifications.

#### - CLASS I

Inert Debris Landfill (p.15): Added language to include "asphalt, cured concrete, brick, concrete block, gravel, or rock... not containing chemical adhesives, sealants, or lead-based paints.

Renewable Energy Facility (p.15&16): Found state definition in NCGS 62-133.8.

#### - CLASS II

Resource Extraction (p.16): Removed the term "gaseous substances" and simply replaced with "other gasses."

Data Center (p.16): *(No change from previous meeting. May need to discuss this definition as well as alternate below which came from 2025's House Bill 1002 which did not become law).*

**§ 62-159.3. Prohibit cost recovery for data centers.** *(a) For the purposes of this section, the term "commercial data center" means a facility, campus of facilities, or array of interconnected facilities in this State that is used by an entity or other business enterprise to operate, manage, or maintain a computer, group of computers, or other organized assembly of hardware and software for the primary purpose of processing, storing, retrieving, or transmitting data and has a peak demand of 100 megawatts or greater.*

#### - CLASS III

Landfill (p.18): Amended to clarify that these types of landfills "do not accept" wastes listed under the Inert Debris Landfill category

Board discussions regarding gate security language, roadway access standards, secondary emergency access roads, lighting provisions, and the duration requirements for Intent-to-Construct permits. Members discussed potential revisions related to self-locking and self-latching gate language, ensuring secondary access roads remain limited to emergency purposes, and balancing

permit expiration timelines with the realities of engineering, financing, and permitting processes associated with large-scale industrial projects. Additional discussion occurred regarding vested rights, definitions of “substantial construction activity,” and flexibility for staff review of projects demonstrating continued progress toward development approvals. Staff also provided additional explanation regarding the Technical Review Committee process and coordination with outside agencies and regulatory requirements.

Additional Board discussion occurred regarding proposed definition revisions within Article 6.5, particularly the distinction between inert debris landfills and other landfill classifications. Board members discussed concerns that revised language stating certain landfill types “do not accept” materials classified as inert debris could unintentionally prohibit otherwise common landfill operations involving brush, yard waste, mulch processing, or similar ancillary activities. Discussion also focused on how landfill operations are categorized and permitted within the County, including distinctions between sanitary landfills, construction and demolition debris facilities, inert debris operations, and accessory activities occurring on larger landfill properties. Board members discussed whether ordinance language should more clearly distinguish principal landfill operations from accessory or ancillary uses occurring on the same property

#### B. Second review of UDO Article 8 Appendix draft amendments

Planning Director Matthew Hoagland presented proposed amendments to Appendix O and Appendix M of Article 8 of the Unified Development Ordinance. Mr. Hoagland explained that Appendix O had been reorganized for clarity and expanded with additional detail, including the addition of surveyor seal and stamp requirements within the title block requirements for preliminary and final plats. Staff also reviewed formatting revisions and additional language related to construction plan requirements within Appendix M, including stormwater control measures and other ordinance-related information requirements. Board members discussed several technical revisions to the appendices, including clarifying that easement information should be reflected on both preliminary and final plats and adding revision date requirements to title blocks for construction plans to assist with version tracking and review. Additional discussion occurred regarding whether roadway widths should also be reflected on final plats. Staff explained that roadway widths are shown on construction plans, while final plats are intended to provide more precise survey measurements and recorded dimensions. Board members discussed ensuring the language and formatting within the appendices clearly reflected those distinctions.

## VII. NEW BUSINESS

#### A. Consideration of UDO Article 6.9 Subdivision draft amendments

Planning Director Matthew Hoagland presented proposed revisions to Article 6.9 of the Unified Development Ordinance related to subdivision regulations. Mr. Hoagland explained that many of the proposed revisions had previously been reviewed by the Planning Board during earlier ordinance discussions and stated that the draft format replaced entire ordinance sections rather than line-by-line edits for ease of review.

Mr. Hoagland reviewed the proposed ordinance revisions as follows:

- Section 6.9.1 Purpose and Goal: replaces the former exceptions section with language outlining the purpose and goals of the subdivision ordinance and the County’s intent in adopting the regulations.
- Section 6.9.2 Application of Regulations defines what constitutes a subdivision and establishes legal parameters related to property subdivision and recording requirements.
- Section 6.9.3 Exceptions to Applicability: retain the existing exemption language consistent with NCGS 160D-802(a).
- Section 6.9.4 Plat Approval Not to Constitute Other Approvals: clarify that approval of a subdivision plat does not automatically guarantee building permit approval or acceptance of roads into the NCDOT system.
- Section 6.9.5 Subdivision Variance and Appeals: establish variance and appeals procedures consistent with state law and Board of Adjustment procedures.
- Section 6.9.6 Aggregation: provide additional language related to subdivision phasing and timing parameters.
- Section 6.9.7 Violation of Subdivision Regulations: establish consequences for subdivision violations, including the transfer of land prior to survey work being completed by a licensed North Carolina surveyor.
- Section 6.9.8 General Requirements: reorganize and expand regulations related to platting requirements, subdivision naming, lot numbering, Environmental Health evaluations, historic sites, natural areas, and compliance with other regulations.
- Section 6.9.9 Environmental Protection Measures: clarify regulations involving marginal land, flood hazard area notations, sediment and erosion control measures, stormwater maintenance, stream buffers, and watershed buffer areas.
- Section 6.9.10 Coordination and Continuation of Public and Private Roads: establish more detailed standards regarding public and private roads, including classifications for unbuilt private roads, Class I private roads, and Class II private roads; gravel width and depth requirements; fire truck proof roll requirements; private road maintenance standards; nonconforming private road limitations; and circumstances requiring roadway upgrades.
- Section 6.9.11 Design Standards for Lots: would revise lot design standards by reorganizing lot size tables, clarifying minimum lot sizes for private road lots, establishing standards for multifamily developments and principal dwellings, reducing minimum road frontage from 60 feet to 50 feet, and creating a new minimum width requirement of 100 feet at the building site.
- Section 6.9.12 Types of Subdivisions: more clearly distinguish between major and minor subdivisions, define conventional and cluster subdivisions, establish limitations on the number of lots created from existing state-maintained roads, and establish timing provisions intended to prevent phased subdivision circumvention.
- Section 6.9.13 Cluster Subdivisions: establish a 30 percent open space requirement while allowing reduced setback standards.
- Section 6.9.14 Unconventional Residential Developments: would establish a framework for regulating accessory dwelling units, secondary residences, and short-term rentals.
- Section 6.9.15 Approval Procedures: consolidate subdivision approval procedures into a single section of the ordinance

Board discussion focused on several proposed subdivision regulations, including lot frontage requirements, subdivision classifications, private road standards, cluster subdivision provisions,

family subdivision provisions, and limitations on lot creation from existing state-maintained roads. Members discussed the intent of requiring new internal roads for larger subdivisions, balancing traffic safety concerns with property owners' ability to create lots along existing roads, and the distinction between the legal definition of a subdivision and the public's common understanding of residential subdivision developments. Board members also reviewed proposed private road maintenance provisions and suggested revisions to improve the organization of language related to the potential conversion of private roads to public roads. Additional discussion occurred regarding references to state terminology, formatting corrections, and removal of outdated references carried over from previous ordinance drafts. Members further discussed whether a separate family subdivision provision should be retained to accommodate property owners wishing to divide land for immediate family members.

Discussion also focused on the proposed cluster subdivision provisions and whether the draft regulations adequately addressed concerns related to growth, infrastructure, groundwater availability, and septic capacity. Members discussed recent development proposals within the County and questioned whether additional standards may be needed to mitigate potential impacts associated with higher-density residential development. Staff explained that the intent of the cluster subdivision provisions was not to increase the overall number of permitted lots, but rather to allow smaller lot sizes while preserving open space within a development. Discussion included the relationship between conventional and cluster subdivisions, the proposed 30 percent open space requirement, density calculations, and existing ordinance provisions allowing reduced lot sizes when served by public, community water, and wastewater systems.

Board members further discussed whether current minimum lot size standards associated with public and community utility systems remain appropriate and whether modifications to those standards could reduce development intensity in rural areas while preserving the benefits of cluster subdivision design. Additional discussion addressed whether cluster subdivision standards should distinguish between developments served by public water and sewer systems and those utilizing community water and wastewater systems. Members discussed minimum lot size requirements, open space preservation, environmental benefits associated with cluster developments, protection of natural areas, buffering adjacent properties and public lands, and the concentration of residential development in rural areas. Staff noted that cluster subdivisions can provide planning, environmental, and conservation benefits when appropriately located and designed, while acknowledging concerns regarding higher-density residential development in certain rural portions of the County and the need to balance development flexibility with preservation of rural character and natural resources.

## **ANNOUNCEMENTS/DISCUSSION**

### **B. By Laws Section 1.2 Regular Meeting Location Change**

Planning Director Matthew Hoagland presented a proposed amendment to the Planning Board Bylaws to update the regular meeting location. Mr. Hoagland explained that Section 1.2 would be amended to reflect the relocation of County Planning Department operations from the Alamance County Commissioners Room at 124 W. Elm Street in Graham to the Development Center Meeting Room at 1946 Martin Street in Burlington. The amendment would not alter the meeting schedule or time, which would remain the second Thursday of each month at 6:30 p.m.

Planning Director Matthew Hoagland presented a proposed amendment to the Planning Board Bylaws to update the regular meeting location. Mr. Hoagland explained that Section 1.2 would be amended to reflect the relocation of County Planning Department operations from the Alamance County Commissioners Room at 124 W. Elm Street in Graham to the Development Center Meeting Room at 1946 Martin Street in Burlington. The amendment would not alter the meeting schedule or time, which would remain the second Thursday of each month at 6:30 p.m. Following discussion, Lee Isley made a motion to approve the bylaw amendment updating the regular meeting location. The motion was seconded by Amie Perkins. The motion carried unanimously.

### C. Land Use Map / Rural Preservation Ordinance discussion

Planning Director Matthew Hoagland reintroduced discussion regarding a potential Rural Preservation Ordinance and future updates to the County's Land Use Map. Mr. Hoagland informed the Board that staff had met with County Commissioners and that they had heard from members of the development community, business owners, and other stakeholders following recent public interest in the topic. He noted that feedback generally supported continuing the conversation and further evaluating potential approaches to rural preservation and growth management. Staff also discussed concepts including lot size considerations, treatment of nonconforming uses, potential expansion of home occupation allowances, and opportunities to create provisions that would allow existing uses to become conforming under future circumstances.

Board members discussed the purpose and timing of revisiting the Rural Preservation Ordinance and agreed that additional review and discussion would be necessary before any formal recommendations could be developed. Discussion included the relationship between potential rural preservation measures and ongoing Unified Development Ordinance revisions, the importance of obtaining additional public input, and the need to evaluate how future growth and development may impact rural areas of the County. Staff noted that the County would soon begin a strategic planning process that includes public engagement, stakeholder interviews, and discussions regarding economic development, land use, and growth. Board members and staff agreed that information gathered through that process could help inform future discussions regarding rural preservation strategies. The Board expressed interest in continuing the discussion at future meetings and directed staff to bring additional information and recommendations forward for further consideration. Additional discussion focused on the County's continued population growth and the increasing importance of land use planning decisions. Members noted that growth-related issues are likely to become more common in the future and discussed the importance of proactively evaluating potential policy options while balancing the interests of property owners, businesses, agricultural operations, and residents.

## VIII. ADJOURNMENT

A motion for adjournment was made by Amie Perkins and seconded by Lee Isley. The motion passed unanimously.

# **OLD BUSINESS**

## **Item A:**

**Second Review of Unified Development Ordinance Article  
6.9 Subdivision Regulations draft amendments**

the lien attaches, and in the Grantee index under the name of the non-profit corporation or landowner's association, as appropriate.

5. The notice of lien shall (a) indicate the owner(s) of the property affected thereby; (b) indicate the name of the non-profit corporation or landowner's association; (c) describe the property to which the lien attaches; (d) state that the lien is pursuant to this section of the Subdivision Regulations for Alamance County, North Carolina; and (e) include other information as may be necessary for clarity and compliance hereunder.
6. The notice of lien shall be canceled by a marginal entry on the face thereof, when satisfaction of the amount due under the lien has been made.
7. This cancellation shall be made by the President, or other officer, of the non-profit corporation or landowner's association so designated and authorized by the governing instrument of the organization.
8. The Register of Deeds is authorized to note such cancellation by a marginal entry upon exhibition of the original notice of lien properly canceled by the appropriate officer as above stated, or by other proper documentation presented by the non-profit corporation or landowners association.

Where possible, maintenance agreements should account for circumstances in which private roads may need to be upgraded to public road standards and transferred to the NC Department of Transportation.

#### 6.9.10.3.5. Nonconforming Private Roads

- A. Nonconforming Private Roads must meet the following criteria in order to be recognized as such:
  1. A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.
  2. Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)
  3. The private road must cross more than one individual tract of land.
  4. A nonconforming private road must be in a current condition as to provide year-round access.

An on-site inspection may be required by the Subdivision Administrator in order to properly determine Nonconforming Private Road status.

feet (15') to ensure the free flow of traffic without interference by vehicles entering or leaving the property.

J. Median Strips

Median strips, or reserve strips, within road rights-of-way shall not be platted in new subdivision but the details of such strips must appear on proposed Construction Plans.

K. District Highway Engineer Review

The N.C.D.O.T. District Highway Engineer, or other authorized staff, shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. For these purposes, the N.C.D.O.T. representative shall be considered a member of the Technical Review Committee in accordance with Article 2 of this Ordinance. When applicable, the District Engineer, or other authorized N.C.D.O.T. staff person, shall sign the Certificate of Approval by Division of Highways of the North Carolina Department of Transportation as found in Appendix A of this Ordinance.

6.9.10.5. IMPROVEMENTS

A. Prerequisites to Approval of Final Plats

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this section.

However, final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within a twenty-four (24) month period. Alamance County may accept surety bonds issued by any company authorized to do business in the State of North Carolina, a letter of credit issued by any financial institution licensed to do business in the State of North Carolina, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County and the County must receive the original copy of the bond.

Surety must be in an amount equal to one and one-quarter times (125%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the subdivider. Subdividers are required to obtain a letter from an engineer registered in North Carolina stating the total construction costs and surety amounts and provide a copy of said letter to Alamance County.

In order to encourage such preservation, the Subdivision Administrator may document established vegetation preserved during the development phase towards the landscaping requirement.

Development activities that fail to maintain natural vegetation during forestry activities may be denied for a period of three (3) years from the date of clearing or five (5) years, if the harvest was a willful violation of this Ordinance. Forestry activities conducted in accordance with an established forestry management plan are exempt from this provision.

### 6.9.12. Types of Subdivisions

For the purposes of this section, new residential subdivisions shall be divided into the following categories:

- 1) MAJOR SUBDIVISIONS are defined as those consisting of fifteen (15) or more lots arranged for simultaneous division from a parent parcel. Subdivisions of this type are subject to all the lot size, road improvement, and other regulations otherwise required by this Ordinance.

No more than four (4) lots within any new Major Subdivision may be accessed by an existing state-maintained road unless said road is classified as a Local Road on the NCDOT Function Classification Map. In those cases, all other lots must have access provided by new roads created explicitly for the purpose of accessing the additional lots. These roads must meet all the criteria as outlined in Section 6.9.11, based on the number of lots they provide access to.

- A. Conventional Subdivisions are defined as those that contain lots which all meet the minimum size standards of 30,000 square feet or more as defined in Section 6.9.11.1 of this Ordinance, exclusive of rights-of-way or other marginal land.
- B. Cluster Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which are to be serviced by some form of public or community utility arrangement. These subdivisions must retain fifty (50) percent of the overall development as open or shared-use space as outlined in Section 6.9.13.

amount of impervious surface and stormwater runoff. The open space provided by clustering can be used to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources.

Cluster Subdivisions shall conform to the following standards:

1. Minimum Lot Size. Single-family residential lots shall be a minimum of 8,000 square feet of usable land (not to include any right-of-way or marginal land). For multifamily, attached structures, the lot area requirement shall be an additional **fifty (50) percent** of land based on facility type (see section 6.9.11.1).
2. Setback and Configuration Requirements. The minimum building setbacks for dwellings are as follows:
  - Front Right of Way Line: 15 feet
  - Front Yard on Cul-De-Sac: 10 feet
  - Rear Property Line: 10 feet
  - Rear Property Line (accessory structures): 3 feet
  - Side Property Line: 10 feet
  - Side Property Line (accessory structures): 5 feet

The minimum lot width of Cluster Subdivision lots must be at least thirty (30) feet at the street right of way. For lots along cul-de-sacs, the minimum width shall be twenty (20) measured on the chord. Width at the building site shall be no less than seventy-five (75) feet.

3. Designation of Open Space. Land within the subdivision site not used for lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of a parcel(s) dedicated or reserved as permanent open space shall make up at least fifty (50) percent of the parent tract prior to subdivision and is subject to the following:
  - A. The open space need not be contiguous.
  - B. The use of the shared open space shall be designed to give equal opportunity of enjoyment to the residents of the subdivision. Such use may come in the form of parks, playgrounds, recreational areas, picnic shelters, sidewalks, trails, or similar uses conducive to the environment of the neighborhood.
  - C. The open space may also serve the purpose of acting as an off-site septic area for one or more lots as long as the proposed use of the open space does not compromise the functionality of such septic facilities.
  - D. The layout of the open space shall consider providing a buffer between the new development and the state-maintained road from which it is accessed and/or neighboring developments.

# **NEW BUSINESS**

## **Item A:**

**Northeastern Alamance Volunteer Fire Department Special  
Non-Residential Intensity Allocation Permit Application**



April 7, 2026

**WATERSHED SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION PERMIT APPLICATION  
FOR Northeastern Alamance Volunteer Fire Department  
3847 North NC Hwy 49, Burlington, NC**

Alamance County team,

Please find attached our application for the special Non-Residential Intensity Allocation (SNIA) Permit Application for the Northeastern Alamance Volunteer Fire Department, Inc. The property is located at 3847 North NC Highway 49, Burlington, NC in the Pleasant Grove Township.

We are applying for the SNIA with the hopes of expanding the building footprint of the existing volunteer fire department building and driveways at a future date. The current and predicted service demands (based on population and new structure increases), vehicle upgrades, and staffing support demands are all driving the need for a building renovation and addition. The VFD is hoping to upgrade the environmental support systems and create clear divisions between low and high hazard areas in the facility to help create a cleaner, healthier, and safer environment for the firefighters and staff.

Our projected impervious surface increase request is based on the schematic scope of a new building addition with 2 apparatus bays as well as new pedestrian pathways and vehicle pull-throughs. The existing building footprint will remain.

We have attached:

- The Special Non-Residential Intensity Allocation Permit Application Form
- The site plan showing the existing and proposed impervious surface
- The survey of existing site conditions

Thank you for your consideration.

Anna Arellanes Wirth, RA, NOMA, LEED GA

# WATERSHED SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION PERMIT APPLICATION

ALAMANCE COUNTY PLANNING DEPARTMENT

DATE: APRIL 3,  
2026

PROJECT NAME:	NORTHEASTERN ALAMANCE VOLUNTEER FIRE DEPT. ADDITION	WATERSHED NAME:	BOW BACK CREEK WATERSHED
CONTACT PERSON:	ANNA ARELLANES WIRTH	TOWNSHIP NAME:	PLEASANT GROVE
CONTACT ADDRESS:	202 N SEVENTH ST., MEBANE, NC 27302	PARCEL I.D. NUMBER:	161503
CONTACT PHONE:	310-710-6758		

## SITE PLAN REQUIREMENTS

**\*\* 1 COPY OF THE SITE PLAN MUST BE SUBMITTED ON 18 X 24 SHEETS, 1" = 100' SCALE OR LARGER AND 1 DIGITAL COPY MUST BE SUBMITTED\*\*.**

### PROPERTIES IN A WATERSHED:

#### TITLE BLOCK INFORMATION

- ✓ DEVELOPMENT NAME
- ✓ OWNER/DEVELOPER NAME
- ✓ TOWNSHIP
- ✓ MAP SCALE
- ✓ PARCEL ID NUMBER
- ✓ DATE

#### SITE DATA INFORMATION

- ✓ PROPERTY LINES
- ✓ WATERSHED/CRITICAL AREA NAME
- ✓ PARCEL ID NUMBER
- ✓ TOTAL ACRES
- ✓ MAP SCALE
- ✓ TOTAL IMPERVIOUS AREA (SQ FT. & %)
- ✓ PROPOSED IMPERVIOUS AREA (SQ FT. & %)
- ✓ LOCATION OF EXISTING & PROPOSED STRUCTURES
- ✓ NATURAL FEATURES (PONDS, STREAMS, ETC.)
- ✓ SEDIMENTATION & EROSION CONTROL DEVICES
- ✓ TOPOGRAPHY

- ✓ LAKE , STREAM , OR COMMERCIAL SCREENING BUFFER
- ✓ LOCATION OF FLOODPLAIN
- ✓ SEPTIC TANK DRAIN FIELD, AND/OR PUBLIC UTILITIES

#### OTHER INFORMATION

- ✓ NORTH ARROW
- ✓ VICINITY MAP
- ✓ LEGEND
- ✓ SURVEYOR OR ENGINEER'S SEAL

### PROPERTIES NOT IN A WATERSHED:

#### TITLE BLOCK INFORMATION

- ✓ DEVELOPMENT NAME
- ✓ OWNER/DEVELOPER NAME
- ✓ TOWNSHIP
- ✓ MAP SCALE
- ✓ PARCEL ID NUMBER
- ✓ DATE

**SITE DATA INFORMATION**

- ✓ PROPERTY LINES
- ✓ LOCATION OF EXISTING & PROPOSED STRUCTURES
- ✓ LOCATION OF PROPOSED OR EXISTING WELLS AND SEPTIC SYSTEMS
- ✓ LOCATION OF PROPOSED PARKING (FOR COMMERCIAL USES)
- ✓ BUILDING SETBACKS
- ✓ NATURAL FEATURES (PONDS, STREAMS, ETC.)
- ✓ LAKE, STREAM, OR COMMERCIAL SCREENING BUFFER
- ✓ LOCATION OF FLOODPLAIN

**OTHER INFORMATION**

- ✓ NORTH ARROW
- ✓ VICINITY MAP
- ✓ LEGEND
- ✓ SURVEYOR OR ENGINEER'S SEAL





# **NEW BUSINESS**

## **Item B:**

**Consideration of Unified Development Ordinance Article 7.3  
Jordan Lake Watershed Riparian Buffer Regulations  
DRAFT**

**PART III. JORDAN WATERSHED RIPARIAN BUFFER REGULATIONS**

Section 7.3.1. Purpose and Intent ..... p.2

Section 7.3.2. Applicability ..... p.2

Section 7.3.3. Riparian Area Protection Within the Jordan Reservoir Watershed. p.2

Section 7.3.4 Potential Uses and Associated Requirements ..... p. 7

Section 7.3.5 Permit Procedures, Requirements, and Approvals ..... p. 14

Section 7.3.6 Requirements Specific To Forest Harvesting ..... p. 17

Section 7.3.7 Rule Implementation..... p.19

Section 7.3.8 Other Laws, Regulations and Permits..... p.20

DRAFT

### **7.3.1. Purpose and Intent**

Alamance County's purpose in adopting the following regulations is to protect and preserve existing riparian buffers throughout the Jordan watershed as generally described in Rule 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers), in order to maintain their nutrient removal and stream protection functions. Additionally, this Rule will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan watershed.

### **7.3.2 Applicability**

These rules apply to all landowners and other persons conducting activities in the Jordan Watershed, including state and federal entities, and to all local governments in the Jordan Watershed, as described in 15A NCAC 02B .0262.

For the following types of buffer activities in the Jordan watershed, the North Carolina Division of Water Quality shall implement applicable requirements to the exclusion of local governments:

- a) Activities conducted under the authority of the State of North Carolina.
- b) Activities conducted under the authority of the United States.
- c) Activities conducted under the authority of multiple jurisdictions.
- d) Activities conducted under the authority of local units of government.
- e) Forest harvesting activities described in Section 7.3.6 of this Ordinance.
- f) Agricultural activities.
- g) Activities conducted in a location where there is no local government program implementing NPDES stormwater requirements, Water Supply Watershed requirements, or a voluntary local stormwater or buffer initiative at the time of the activity.

### **7.3.3 Riparian Area Protection Within the Jordan Reservoir Watershed**

#### **7.3.3.1 BUFFERS PROTECTED**

The following minimum criteria shall be used for identifying regulated buffers:

- a) This Rule shall apply to activities conducted within, or outside of with impacts upon, fifty (50)-foot-wide riparian buffers directly adjacent to surface waters in the Jordan watershed (intermittent streams, perennial streams, lakes, reservoirs and ponds), excluding wetlands.
- b) Wetlands adjacent to surface waters or within fifty (50) feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H .0506.

- c) A surface water shall be subject to this Rule if the feature is approximately shown on any of the following references, and shall not be subject if it does not appear on any of these references:
- i. The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.
  - ii. The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).
  - iii. Maps approved by the Geographic Information Coordinating Council and by the Commission. Prior to approving such maps, the Commission shall provide a 30-day public notice and opportunity for comment. Maps approved under this subsection shall not apply to projects that are existing and ongoing within the meaning of subsection 7.3.3.4.

- 
- d) Where the specific origination point of a stream regulated under this Item is in question, upon request of the N.C. Division of Water Quality or another party, an Alamance County representative shall make an on-site determination. The county representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, Identification Methods for the Origins of Intermittent and Perennial Streams, available at:

(<http://portal.ncdenr.org/web/wq/swp/ws/401/waterresources/streamdeterminations>) or from the Division of Water Quality (401/Wetlands Unit)  
1650 Mail Service Center,  
Raleigh, NC, 27699-1650

Alamance County may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this item shall be referred to the Director of the Division of Water Quality in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of N.C. Gen. Stat. §150B.

- e) Riparian buffers protected by this Ordinance shall be measured pursuant to subsection 7.3.3.4 below.
- f) Parties subject to this Ordinance shall abide by all State rules and laws regarding

waters of the state including but not limited to 15A NCAC 02H .0500, 15A NCAC 02H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

- g) A riparian buffer may be exempt from this Rule as described in subsections 7.3.3.2. or 7.3.3.3. below.
- h) No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of this Ordinance.

### **7.3.3.2 EXEMPTION BASED ON ON-SITE DETERMINATION**

When a landowner or other affected party including the Division believes that the maps have inaccurately depicted surface waters, he or she shall consult the Alamance County Planning Department. Upon request, a county representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. Alamance County may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Quality in writing. A determination of the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to the buffer requirements of this Ordinance if a site evaluation reveals any of the following cases:

- 
- a) Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. (A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.)
  - b) Ephemeral streams.
  - c) The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.
  - d) Ditches or other man-made water conveyances, other than modified natural streams.

### **7.3.3.3 EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING**

These regulations shall not apply to uses that are existing and ongoing; however, these regulations shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

a) It was present within the riparian buffer as of the effective date of this Ordinance and has continued to exist since that time. For any Division-administered activities listed in Section 7.3.2 of this Ordinance, a use shall be considered existing and ongoing if it was present within the riparian buffer as of the Rule's effective date of August 11, 2009 and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and onsite sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this Ordinance. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within fifty (50) feet of the surface water where it did not previously exist as of the effective date of a local program enforcing this Ordinance, or for Division administered activities listed in Section 7.3.2 of this Ordinance and existing diffuse flow is maintained. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.

---

b) Projects or proposed development that are determined by the local government to meet at least one of the following criteria:

i. Project requires a 401 Certification/404 Permit and these were issued prior to the effective date of this Ordinance, and prior to the August 11, 2009 effective date of this Rule for Division-administered activities listed in this Ordinance.

ii. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of this Ordinance, and prior to the August 11, 2009 effective

date for Division-administered activities listed in Section 7.3.2 of this Ordinance;

- iii. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with DENR on avoidance and minimization by the effective date of this Ordinance and prior to the August 11, 2009 effective date for state and federal entities; or
- iv. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the local government prior to the effective date of the local program enforcing this Rule, or the written approval of the Division prior to the August 11, 2009 effective date for state and federal entities.

#### **7.3.3.4 ZONES OF THE RIPARIAN BUFFER**

The protected riparian buffer shall have two zones as follows:

- c) Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the Table of Uses, subsection 7.3.4.2 of this Ordinance. The location of Zone One shall be as follows:
  - For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of thirty (30) feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
  - For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.
- d) Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table of Uses, subsection 7.3.4.2 of this Ordinance. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward twenty (20) feet as measured horizontally on a line perpendicular to the surface water. The combined width

of Zones One and Two shall be fifty (50) feet on all sides of the surface water.

### **7.3.3.5 DIFFUSE FLOW REQUIREMENT**

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

- Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone Two of the riparian buffer;
- Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies;
- As set out in subsections 7.3.3.4 and 7.3.4.2 of this Ordinance, no new stormwater conveyances are allowed through the buffers except for those specified in subsection 7.3.4.2 Table of Uses, of this Ordinance addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances; and
- Activities conducted outside of buffers identified in subsection 7.3.3.1 that alter the hydrology in violation of the diffuse flow requirements set out in this Item shall be prohibited.

## **7.3.4 Potential Uses and Associated Requirements**

### **7.3.4.1 APPROVAL FOR NEW DEVELOPMENT**

Alamance County shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers as defined in subsection 7.3.3.1., or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

- i) Determined the activity is exempt from the requirements of this Ordinance;
- j) Received an Authorization Certification from Alamance County pursuant to subsection 7.3.4.3;
- k) For uses designated as “Allowable with Mitigation” in the Table of Uses below, received approve of a mitigation plan pursuant to this Ordinance;
- l) Received a variance pursuant to subsection 7.3.5.2.

### **7.3.4.2 TABLE OF USES**

The following chart sets out potential new uses within the buffer, or outside the buffer with impacts on the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer, or outside the buffer if the use would impact diffuse flow through the buffer, unless a variance is granted pursuant to subsection 7.3.5.2. Requirements for each category are given in subsection 7.3.4.3 below.

<u>Use</u>	<u>Exempt*</u>	<u>Allowable*</u>	<u>Allowable with Mitigation*</u>
<u>Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:</u> <ul style="list-style-type: none"> <li>• <u>Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the riparian buffer</u></li> <li>• <u>Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Rule or impervious surface is added to the riparian buffer</u></li> </ul>	X	X	
<u>Airport facilities:</u> <ul style="list-style-type: none"> <li>• <u>Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u></li> <li>• <u>Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer</u></li> <li>• <u>Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)l</u></li> </ul>		X  X	X
<u>Archaeological activities</u>	X		
<u>Bridges</u>		X	
<u>Canoe Access provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the buffer.</u>	X		
<u>Dam maintenance activities:</u> <ul style="list-style-type: none"> <li>• <u>Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the US Army Corps of Engineers Nationwide Permit No. 3.</u></li> <li>• <u>Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the US Army Corps of Engineers Nationwide Permit No.3.</u></li> </ul>	X	X	
<u>Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:</u> <ul style="list-style-type: none"> <li>• <u>New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies.</u></li> <li>• <u>Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations.</u></li> <li>• <u>New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer</u></li> <li>• <u>New drainage ditches, roadside ditches and stormwater conveyances applicable to liner projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed.</u></li> </ul>	X	X  X	X

<u>Use</u>	<u>Exempt*</u>	<u>Allowable*</u>	<u>Allowable with Mitigation*</u>
<u>Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Items (7) and (8) of this Rule is established adjacent to the new channel</u>	X		
<u>Driveway crossings of streams and other surface waters subject to this Rule:</u>	—		
• <u>Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer</u>	X		
• <u>Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer</u>		X	
• <u>In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u>		X	
• <u>In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer</u>			X
<u>Driveway impacts other than crossing of a stream or other surface waters subject to this Rule</u>	—		X
<u>Fences:</u>			
• <u>Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Rule</u>	X		
• <u>Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Rule</u>		X	
<u>Forest harvesting - see Item (14) of this Rule</u>			
<u>Fertilizer application: one-time application to establish vegetation</u>	X		
<u>Grading and revegetation in Zone Two provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated.</u>	X		
<u>Greenway/hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.</u>	—	X	
<u>Historic preservation</u>	X		
<u>Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.</u>		X	
<u>Mining activities:</u>			
• <u>Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Items (7) and (8) of this Rule are established adjacent to the relocated channels</u>		X	
• <u>Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements or Items (7) and (8) of this Rule are not established adjacent to the relocated channels</u>			X
• <u>Wastewater or mining dewatering wells with approved NPDES permit</u>	X		
<u>Playground equipment:</u>			
• <u>Playground equipment on single family lots provided that installation and use does not result in removal of vegetation</u>	X		
• <u>Playground equipment installed on lands other than single-family lots or that requires removal of vegetation</u>		X	

<u>Use</u>	<u>Exempt*</u>	<u>Allowable*</u>	<u>Allowable with Mitigation*</u>
<u>Ponds created by impounding streams and not used as stormwater BMPs:</u> <ul style="list-style-type: none"> <li><u>New ponds provided that a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is established adjacent to the pond</u></li> <li><u>New ponds where a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is NOT established adjacent to the pond</u></li> </ul>		<u>X</u>	<u>X</u>
<u>Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel</u>		<u>X</u>	
<u>Railroad impacts other than crossings of streams and other surface waters subject to this Rule.</u>			<u>X</u>
<u>Railroad crossings of streams and other surface waters subject to this Rule:</u> <ul style="list-style-type: none"> <li><u>Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer</u></li> <li><u>Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u></li> <li><u>Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</u></li> </ul>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Recreational and accessory structures in Zone Two:</u> <ul style="list-style-type: none"> <li><u>Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance:</u> <ul style="list-style-type: none"> <li><u>Total footprint less than or equal to 150 square feet per lot.</u></li> <li><u>Total footprint greater than 150 square feet per lot.</u></li> </ul> </li> <li><u>Wooden slatted decks and associated steps, provided the use meets the requirements of Items (7) and (8) of this Rule:</u> <ul style="list-style-type: none"> <li><u>Deck at least eight feet in height and no vegetation removed from Zone One.</u></li> <li><u>Deck less than eight feet in height or vegetation removed from Zone One.</u></li> </ul> </li> </ul>		<u>X</u>  <u>X</u>	<u>X</u>  <u>X</u>
<u>Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored</u>	<u>X</u>		
<u>Road impacts other than crossings of streams and other surface waters subject to this Rule</u>			<u>X</u>
<u>Road crossings of streams and other surface waters subject to this Rule:</u> <ul style="list-style-type: none"> <li><u>Road crossings that impact equal to or less than 40 linear feet of riparian buffer</u></li> <li><u>Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u></li> <li><u>Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</u></li> </ul>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:</u> <ul style="list-style-type: none"> <li><u>Less than or equal to 2,500 square feet of buffer impact</u></li> <li><u>Greater than 2,500 square feet of buffer impact</u></li> </ul>		<u>X</u>	<u>X</u>

<u>Use</u>	<u>Exempt*</u>	<u>Allowable*</u>	<u>Allowable with Mitigation*</u>
<u>Stormwater BMPs:</u> <ul style="list-style-type: none"> <li>• <u>Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One</u></li> <li>• <u>Wet detention, bioretention, and constructed wetlands in Zone One</u></li> </ul>		<input type="checkbox"/> X	<input type="checkbox"/> X
<u>Scientific studies and stream gauging</u>	<input checked="" type="checkbox"/>		
<u>Streambank or shoreline stabilization</u>		<input checked="" type="checkbox"/>	
<u>Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Item (8) of 15A NCAC 02B .0268:</u> <ul style="list-style-type: none"> <li>• <u>Less than or equal to 2,500 square feet of buffer disturbance</u></li> <li>• <u>Greater than 2,500 square feet of buffer disturbance</u></li> <li>• <u>Associated with culvert installation or bridge construction or replacement.</u></li> </ul>	<input type="checkbox"/> X	<input type="checkbox"/> X <input checked="" type="checkbox"/>	
<u>Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Item (8) of Rule 15A NCAC 02B .0268:</u> <ul style="list-style-type: none"> <li>• <u>In Zone Two provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with Item (8) of this Rule.</u></li> <li>• <u>In Zones one and two to control impacts associated with uses approved by the local government or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.</u></li> <li>• <u>In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.</u></li> <li>• <u>In-stream temporary erosion and sediment control measures for work within a stream channel.</u></li> </ul>	<input type="checkbox"/> <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	
<u>Utility, electric, aerial, perpendicular crossings of streams and other surface waters subject to this Rule<sup>2,3,5</sup>:</u> <ul style="list-style-type: none"> <li>• <u>Disturb equal to or less than 150 linear feet of riparian buffer</u></li> <li>• <u>Disturb greater than 150 linear feet of riparian buffer</u></li> </ul>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>	

<u>Use</u>	<u>Exempt*</u>	<u>Allowable*</u>	<u>Allowable with Mitigation*</u>
<u>Utility, electric, aerial, other than perpendicular crossings<sup>5</sup>:</u> <ul style="list-style-type: none"> <li>• <u>Impacts in Zone Two</u></li> <li>• <u>Impacts in Zone One<sup>2,3</sup></u></li> </ul>		X	X
<u>Utility, electric, underground, perpendicular crossings<sup>3,4,5</sup>:</u> <ul style="list-style-type: none"> <li>• <u>Disturb less than or equal to 40 linear feet of riparian buffer</u></li> <li>• <u>Disturb greater than 40 linear feet of riparian buffer</u></li> </ul>	X	X	
<u>Utility, electric, underground, other than perpendicular crossings<sup>4</sup>:</u> <ul style="list-style-type: none"> <li>• <u>Impacts in Zone Two</u></li> <li>• <u>Impacts in Zone One<sup>1</sup></u></li> </ul>	X X		
<u>Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Rule<sup>3,5</sup>:</u> <ul style="list-style-type: none"> <li>• <u>Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width</u></li> <li>• <u>Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width</u></li> <li>• <u>Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width</u></li> <li>• <u>Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width</u></li> <li>• <u>Disturb greater than 150 linear feet of riparian buffer</u></li> </ul>	X	X  X	X  X
<u>Utility, non-electric, other than perpendicular crossings<sup>4,5</sup>:</u> <ul style="list-style-type: none"> <li>• <u>Impacts in Zone Two</u></li> <li>• <u>Impacts in Zone One<sup>1</sup></u></li> </ul>		X	X
<u>Vegetation management:</u> <ul style="list-style-type: none"> <li>• <u>Emergency fire control measures provided that topography is restored</u></li> <li>• <u>Mowing or harvesting of plant products in Zone Two</u></li> <li>• <u>Planting vegetation to enhance the riparian buffer</u></li> <li>• <u>Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised</u></li> <li>• <u>Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank.</u></li> <li>• <u>Removal of individual trees which are dead, diseased or damaged.</u></li> <li>• <u>Removal of poison ivy</u></li> <li>• <u>Removal of invasive exotic vegetation as defined in:</u> <i>Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30</i></li> </ul>	X X X X  X  X X X		
<u>Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet.</u>		X	
<u>Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers.</u>		X	

<u>Use</u>	<u>Exempt*</u>	<u>Allowable*</u>	<u>Allowable with Mitigation*</u>
<u>Water supply reservoirs:</u> <ul style="list-style-type: none"> <li><u>New reservoirs where a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is established adjacent to the reservoir</u></li> <li><u>New reservoirs where a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is not established adjacent to the reservoir</u></li> </ul>		X	X
<u>Water wells</u> <ul style="list-style-type: none"> <li><u>Single family residential water wells</u></li> <li><u>All other water wells</u></li> </ul>	X	X	
<u>Wetland, stream and buffer restoration that results in impacts to the riparian buffers:</u> <ul style="list-style-type: none"> <li><u>Wetland, stream and buffer restoration that requires Division approval for the use of a 401 Water Quality Certification</u></li> <li><u>Wetland, stream and buffer restoration that does not require Division approval for the use of a 401 Water Quality Certification</u></li> </ul>	X	X	
<u>Wildlife passage structures</u>		X	

\* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Item (10) of this Rule.

<sup>1</sup> Provided that:

- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.
- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones one and two meet the requirements of Sub-Items (7) and (8) of this Rule.

<sup>2</sup> Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the local government, as defined in Item (11) of this Rule.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

### **7.3.4.3 REQUIREMENTS FOR CATEGORIES OF USES**

Uses designated in the Table of Uses as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

- a) EXEMPT. Uses designated as exempt are permissible without local government authorization provided that they adhere to the limitations of the activity as defined in the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
- b) ALLOWABLE. Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to subsection 7.3.4.4. below. This includes construction, monitoring, and maintenance activities. These uses require written authorization from Alamance County.
- c) ALLOWABLE WITH MITIGATION. Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to subsection 7.3.4.4. below and an appropriate mitigation strategy has been approved pursuant to subsection 7.3.5.3 of this Ordinance. These uses require written authorization from Alamance County.

## **7.3.5 Permit Procedures, Requirements, and Approvals**

### **7.3.5.1. DETERMINATION OF "NO PRACTICAL ALTERNATIVES"**

- a) Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Alamance County Planning Department. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":
  - The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
  - The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
  - Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality;
- b) The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":
  - The name, address and phone number of the applicant;

- The nature of the activity to be conducted by the applicant;
  - The location of the activity, including the jurisdiction;
  - A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
  - An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
  - Plans for any best management practices proposed to be used to control the impacts associated with the activity.
- c) Within sixty (60) days of a submission that addresses sub-item (b) above, Alamance County shall review the entire project and make a finding of fact as to whether the criteria in sub-item (a) above have been met. A finding of "no practical alternatives" shall result in issuance of an Authorization Certificate. Failure to act within sixty (60) days shall be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one of the following occurs:
- i. The applicant agrees, in writing, to a longer period;
  - ii. Alamance County determines that the applicant has failed to furnish requested information necessary to make the determination;
  - iii. The final decision is to be made pursuant to a public hearing; or
  - iv. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the Alamance County's decision.
- d) The local government may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of the riparian buffer protection program.
- e) Any appeals of determinations regarding Authorization Certificates shall be referred to the Director. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

#### **7.3.5.2. VARIANCES.**

Persons who wish to undertake prohibited uses may pursue a variance. Alamance County may grant minor variances only. For major variances, Alamance County shall prepare preliminary findings and submit them to the Division of Water Quality for approval. The variance request procedure shall be as follows:

- a) For any variance request, Alamance County shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:
- i. If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, Alamance County shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;
  - ii. The hardship results from application of this Rule to the property rather than from other factors such as deed restrictions or other hardship;
  - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this rule would not allow reasonable use of the property;
  - iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Rule;
  - v. The applicant did not purchase the property after August 11, 2009, the effective date of 15A NCAC 02B .0267, and then request a variance; and
  - vi. The hardship is rare or unique to the applicant's property.
- b) For any variance request, the local government shall make a finding of fact as to whether the variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and preserves its spirit; and
- c) For any variance request, Alamance County shall make a finding of fact as to whether, in granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

#### **7.3.5.2.1 MINOR VARIANCES**

A minor variance request pertains to activities that will impact only Zone Two of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in subsection 7.3.5.2, by the Alamance County Board of Adjustment pursuant to N.C. Gen. Stat. 160D-705. The Board of Adjustment may attach conditions to the variance approval that support the purpose, spirit and intent of the

riparian buffer protection program. Requests for appeals of decisions made by the Board of Adjustment shall be made in writing to the Director of the Division of Water Quality. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

#### **7.3.5.2.2 MAJOR VARIANCES**

A major variance request pertains to activities that will impact any portion of Zone One or any portion of both Zones One and Two of the riparian buffer. If Alamance County has determined that a major variance request meets the requirements in subsection 7.3.5.2(a) through 7.3.5.2(c) above, then it shall prepare a preliminary finding and submit it to the Commission for approval. Within ninety (90) days after receipt by Alamance County, the Commission shall review preliminary findings on major variance requests and take one of the following actions:

- approve,
- approve with conditions and stipulations, or
- deny the request.

Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

#### **7.3.5.3. MITIGATION**

Persons who wish to undertake uses designated as allowable with mitigation shall meet the following requirements in order to proceed with their proposed use:

- a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to subsection 7.5.3.1 of this Ordinance; and
- b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 02B .0268.

### **7.3.6 REQUIREMENTS SPECIFIC TO FOREST HARVESTING**

The following requirements shall apply for forest harvesting operations and practices:

- a) All the following measures shall apply in the entire riparian buffer as applicable:
  - i. Logging decks and sawmill sites shall not be placed in the riparian buffer;
  - ii. Access roads and skid trails shall be prohibited except for temporary and permanent stream crossings established in accordance with 15A NCAC 011 .0203. Temporary stream crossings shall be permanently stabilized after any site disturbing activity is completed;
  - iii. Timber felling shall be directed away from the stream or waterbody;

- iv. Skidding shall be directed away from the stream or water body and shall be done in a manner that minimizes soil disturbance and prevents the creation of channels or ruts;
- v. Individual trees may be treated to maintain or improve their health, form or vigor;
- vi. Harvesting of dead or infected trees as necessary to prevent or control the spread of tree pest and disease infestation shall be allowed. These practices must be approved by the Division of Forest Resources for a specific site pursuant to the rule. The Division of Forest Resources must notify the Division of all approvals;
- vii. Removal of individual trees that are in danger of causing damage to structures or human life shall be allowed;
- viii. Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer shall be allowed provided that soil disturbance is minimized;
- ix. High-intensity prescribed burns shall not be allowed; and
- x. Application of fertilizer shall not be allowed except as necessary for permanent stabilization. Broadcast application of fertilizer to the adjacent forest stand shall be conducted so that the chemicals are not applied directly to or allowed to drift into the riparian buffer.

b) In Zone One, forest vegetation shall be protected and maintained. Selective harvest as provided for below is allowed on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through 277.6 or on forest lands that have a forest management plan. A plan drafted under either option shall meet the standards set out in this Item. Copies of either the approval of the deferment for use value under forestry or the forest management plan shall be produced upon request. For such forest lands, selective harvest is allowed in accordance with the following:

- i. Tracked or wheeled vehicles are permitted for the purpose of selective timber harvesting where there is no other practical alternative for removal of individual trees provided activities comply with forest practice guidelines for water quality as defined in 15A NCAC 01I .0101 through .0209, and provided no equipment shall operate within the first 10 feet immediately adjacent to the stream except at stream crossings designed, constructed and maintained in accordance with Rule 15A NCAC 011 .0203;
- ii. Soil disturbing site preparation activities are not allowed; and
- iii. (iii) Trees shall be removed with the minimum disturbance to the soil and residual vegetation.

c) In addition to the requirements of (b) in this Item, the following provisions for selective harvesting shall be met:

- i. The first ten (10) feet of Zone One directly adjacent to the stream or waterbody shall be undisturbed except for the removal of individual high value trees as defined provided that no trees with exposed primary roots visible in the streambank be cut unless listed as an exempt activity under Vegetation Management in the Table of Uses, subsection 7.3.4.2 of this Ordinance;
- ii. In the outer twenty (20) feet of Zone One, a maximum of fifty (50) percent of the trees greater than five (5) inches DBH may be cut and removed. The reentry time for harvest shall be no more frequent than every fifteen (15) years, except on forest plantations where the reentry time shall be no more frequent than every five (5) years. In either case, the trees remaining after harvest shall be as evenly spaced as possible; and
- iii. In Zone Two, harvesting and regeneration of the forest stand shall be allowed in accordance with 15A NCAC 01I .0100 through .0200 as enforced by the Division of Forest Resources.

### **7.3.7 Rule Implementation**

This Rule shall be implemented as follows:

- A. For Division-administered activities listed in Section 7.3.2. of this Ordinance, the Division shall continue to implement the requirements of this Rule, which it has done since its effective date of August 11, 2009.
- B. Alamance County shall implement buffer programs approved by the Commission in September 2010 and January 2011, or subsequent revisions to those programs approved by the Commission or its delegated authority, to ensure that existing land use activities and proposed development complies with local programs. These programs are required to meet the standards set out in this Rule, 15A NCAC 02B .0268, and are guided by the model buffer program approved by the Commission in September 2009. Alamance County shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in subsection 7.3.3.1 of this Ordinance, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:
  - i. Determined that the activity is exempt from requirements of this Ordinance;
  - ii. Received an Authorization Certificate from the Division pursuant to subsection 7.3.5.1 of this Ordinance for uses designated as Allowable or

Allowable with Mitigation;

- iii. For uses designated as Allowable with Mitigation, received approval of a mitigation plan pursuant to 15A NCAC 02B .0268; and
  - iv. Received a variance pursuant to Section 7.3.5 above.
- C. Local governments shall continue to submit annual reports to the Division summarizing their activities in implementing the requirements of this Rule;
- D. If a local government fails to adopt or adequately implement its program as called for in this Rule, the Division may take appropriate enforcement action as authorized by statute, and may choose to assume responsibility for implementing that program until such time as it determines that the local government is prepared to comply with its responsibilities; and
- E. The Division shall periodically inspect local programs to ensure that they are being implemented and enforced in keeping with the requirements of this Rule. Local governments shall maintain on-site records for a minimum of five (5) years and shall furnish a copy of these records to the Division within thirty (30) days of receipt of a written request for them. Local programs' records shall include the following:
- A copy of all variance requests;
  - Findings of fact on all variance requests;
  - Results of all variance proceedings;
  - A record of complaints and action taken as a result of complaints;
  - Records for stream origin calls and stream ratings; and
  - Copies of all requests for authorization, records approving authorization and Authorization Certificates.

### **7.3.8 Other Laws, Regulations and Permits**

In all cases, compliance with this Rule does not preclude the requirement to comply with all other federal, state and local laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, or any other landscape feature or water quality-related activity.

# **NEW BUSINESS**

## **Item C:**

**Consideration of Unified Development Ordinance Article 7.4  
Stormwater Control Regulations DRAFT**

**PART IV. STORMWATER CONTROL REGULATIONS**

Section 7.4.1. Authority ..... p.2

Section 7.4.2. Purpose and Goal ..... p.2

Section 7.4.3. Applicability..... p.2

Section 7.4.4 Exemptions ..... p. 2

Section 7.4.5 Permitting Procedures .....p. 3

Section 7.4.6 Deed Restrictions and Protective Covenants ..... p. 4

DRAFT

### 7.4.1. Authority

Alamance County is authorized to adopt and enforce stormwater regulations to control stormwater quantity in accordance with N.C. Gen. Stat. 160D-925. However, the regulations contained within this Ordinance shall not be construed to regulate stormwater quality under any circumstance.

### 7.4.2 Purpose and Goal

The purpose of these regulations is to protect, maintain and enhance public health, safety, the environment, and the general welfare of Alamance County residents by establishing minimum requirements and procedures to control the quantity of post-construction stormwater runoff. The rules under this section are adopted in order to minimize damage to public and private property and infrastructure, and to abate nuisances that arise from excessive stormwater runoff occurrences.

The goal of these regulations is to establish review standards, a decision-making process, and better record keeping mechanisms for stormwater control measures associated with higher density developments.

### 7.4.3 Applicability

These regulations shall apply to all unincorporated areas of Alamance County. They may also apply within the corporate limits or extra-territorial jurisdictions of municipalities which adopt them by official resolution of their governing board.

Where new development proposals will contain a built-upon area of twenty-four (24) percent or more of a total project area, which may or may not include more than one parcel of land, applicants shall develop measures which adequately control stormwater quantity. Measures shall be designed to control for a "One-year, 24-hour storm," as defined by 15A NCAC 02H .1002(30). This standard equates to the maximum amount of rainfall during a twenty-four (24) consecutive-hour period expected, on average, to occur once a year. One-year, 24-hour storm depths are estimated by the National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Data Server (PFDS), which is incorporated into this Ordinance by reference.

Applicants shall provide details of such control measures on Construction Plans or other site plan documents, as requested by the Planning Director, or their designee.

### 7.4.4 Exemptions

The following project types shall not be subject to the regulations of this section:

- Development or redevelopment projects that cumulatively disturb less than one (1) acre of

land and which are not part of a larger common plan of development or sale;

- Bona fide farming operations as defined by N.C. Gen. Stat. 160D-903 unless such developments are for nonfarm purposes;
- Development proposals will contain a built-upon area of less than twenty-four (24) percent or more of a total project area, whether or not they include more than one parcel of land.

Projects exempt under this section shall not automatically exempt development from other rules promulgated by the North Carolina Department of Environmental Quality (NCDEQ). Applicants are strongly encouraged to consult with NCDEQ prior to undertaking any development project which will disturb an acre or more of land.

The Planning Director, or their designee, may request documentation to verify that projects are not subject to this Ordinance or NCDEQ regulations. Permit approvals may be withheld if such requested information is not provided.

#### **7.4.5 Permitting Procedures**

Applicants proposing projects which are subject to this Ordinance shall comply with the following procedures:

1. Applicants may submit sketch plans or other preliminary documentation and request that the Planning Director, or their designee, assist with determining whether a project will be subject to requirements of this Ordinance;
2. Applicants may submit formal site plans or engineered drawings before or after official review by the Technical Review Committee;
3. If the Planning Director, or their designee, determines that stormwater control measures will be required for a given development, they shall transmit such information to the applicant in writing;
4. Stormwater control measures shall be designed by an engineer licensed in the State of North Carolina and certified that they will control stormwater for a "One-year, 24-hour storm," as defined by 15A NCAC 02H .1002(30);
5. If stormwater control measures are required, plans for them shall be included on official Construction Plans or engineered drawings and they shall be a necessary part of the Technical Review Committee approval process.

After stormwater control measures have been constructed, an official as-built site plan shall be submitted to the Planning Department containing certification from a licensed engineer that the measures do in fact control stormwater for a "One-year, 24-hour storm," as defined by 15A NCAC

02H .1002(30). The Planning Director, or their designee, shall certify receipt of these as-built plans and keep them on file with other records related to the project.

Failure to submit such as-built plans shall constitute grounds for stop work orders, withholding building permit approvals, or other enforcement actions found in Article 4 of this Ordinance.

#### **7.4.6 Deed Restrictions and Protective Covenants**

Property owners shall record deed restrictions which include maintenance responsibilities and procedures prior to submitting a final as-built site plan to ensure that stormwater control measures will be maintained in perpetuity consistent with the specifications included with the engineer's certified plans.

For subdivision developments, deed restrictions shall be included with a homeowners' association agreement. Such agreements shall specify the mechanism whereby the homeowners' association assumes ownership and maintenance responsibilities for stormwater control measures.

In the cases above such deed restrictions shall be recorded with the Alamance County Register of Deeds.

For projects owned by public entities, the permittee shall have the option to incorporate specific restrictions and conditions into a facility management plan or another instrument in lieu of deed restrictions and protective covenants. Such plans must be transmitted to the Planning Department and kept on file with other records related to the project.