

STATE OF GEORGIA

COUNTY OF HALL

**A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY
WITH REGARD TO POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW
DEVELOPMENT AND REDEVELOPMENT**

WHEREAS, Hall County has developed comprehensive regulations concerning Post-Construction Stormwater Management for New Development and Redevelopment, and such regulations are codified in Chapter 8.180 of the Code of Ordinances of Hall County, Georgia; and

WHEREAS, the Georgia Environmental Protection Division has recently formulated and adopted new requirements concerning Post-Construction Stormwater Management for New Development and Redevelopment; and

WHEREAS, Hall County is required to adopt the new requirements formulated and adopted by the Georgia Environmental Protection Division; and

WHEREAS, the Board of Commissioners has determined that the following revisions of the Code of Ordinances of Hall County concerning Post-Construction Stormwater Management for New Development and Redevelopment are in the best interest of the residents of Hall County;

NOW, THEREFORE, the Board of Commissioners does hereby amend the Code of Ordinances of Hall County, Georgia as follows:

1.

Chapter 8.180 of the Code of Ordinances of Hall County, Georgia is hereby deleted in its entirety, and a new Chapter 8.180 as set forth in Exhibit "A" is hereby adopted.

2.

Any and all provisions of the Code of Ordinances of Hall County, Georgia which are inconsistent with this Resolution are hereby repealed.

3.

The provisions of this Resolution shall become effectively immediately upon execution of this Resolution.

SO RESOLVED, this the 12th day of November, 2020.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____

Richard Higgins, Chairman

ATTEST:



Lisa A. Ritchie, County Clerk



APPROVED AS TO FORM:



Van Stephens, County Attorney

CHAPTER 8.180. – POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

8.180.100. – General Provisions.

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

8.180.110. – Purpose and Intent.

The purpose of this Chapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, Hall County is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District’s regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

8.180.120. - Definitions.

For this Chapter, the terms below shall have the following meanings:

Administrator means the person appointed to administer and implement this Chapter on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with 8.180.140.

Applicant means a person submitting a land development application for approval.

BMP or Best Management Practice means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP Landscaping Plan means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

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

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

Detention Facility means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Development means new development or redevelopment.

Extended Detention means the storage of stormwater runoff for an extended period of time.

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

Flooding means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

GSMM means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Impervious Surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil. Gravel parking areas, pavement, and buildings are examples of impervious surfaces, but most retaining walls would not be considered impervious surface due to the nature of their minimal surface area.

Industrial Stormwater General Permit means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

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

Inspection and Maintenance Agreement means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

Land Development Application means the application for a land development permit on a form provided by Hall County along with the supporting documentation required in 8.180.200.

Land Development Permit means the authorization necessary to begin construction-related, land-disturbing activity.

Land Disturbing Activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Linear Feasibility Program means a feasibility program developed by Hall County and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by Hall County is infeasible.

Linear Transportation Projects means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

MS4 Permit means the NPDES permit issued by Georgia Environmental Protection Division for discharges from Hall County's municipal separate storm sewer system.

New Development means land disturbing activities, structural development (construction, installation of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

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

Overbank Flood Protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

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

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

Post-Construction Stormwater Management means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-Development means the conditions anticipated to exist on site immediately after completion of the proposed development.

Practicability Policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-Development means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Pre-Development Hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Previously Developed Site means a site that has been altered by paving, construction, and/or land disturbing activity.

Redevelopment means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Routine Maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Site means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

Stormwater Concept Plan means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

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

Stormwater Management Plan means a plan for post-construction stormwater management at the site that meets the requirements of 8.180.180 (D) and is included as part of the land development application.

Stormwater Management Standards means those standards set forth in 8.180.170.

Stormwater Management System means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater Runoff means flow on the surface of the ground, resulting from precipitation.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Other terms used but not defined in this Chapter shall be interpreted based on how such terms are defined and used in the GSMM and Hall County MS4 permit.

8.180.130. - Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

A. In implementing this Chapter, Hall County shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

B. This Chapter is not intended to modify or repeal any other Chapter, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam

Safety. In the event of any conflict or inconsistency between any provision in Hall County's MS4 permit and this Chapter, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Chapter and the GSMM, the provision from this Chapter shall control. In the event of any other conflict or inconsistency between any provision of this Chapter and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

C. If any provision of this Chapter is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Chapter.

8.180.140. - Designation of Administrator.

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

8.180.150. - Applicability Criteria for Stormwater Management Standards.

This Chapter applies to the following activities:

- A. New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;
- B. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
- C. New development and redevelopment if
 1. Such new development or redevelopment is part of a subdivision or other common plan of development, and
 2. The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in A and B above;
- D. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Chapter; and
- E. Linear transportation projects that exceed the threshold in (A) or (B) above.

8.180.160. - Exemptions from Stormwater Management Standards.

This Chapter does not apply to the following activities:

- A. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- B. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- C. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- D. Repairs to any stormwater management system deemed necessary by the administrator;
- E. Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 8.180.150. (A) or (B);
- F. Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 8.180.150. (A) or (B);
- G. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- H. Linear transportation projects being constructed by Hall County to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with Hall County linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.
- I. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- J. Additions or modifications to existing single-family or duplex residential structures.
- K. Residential subdivisions of six lots or less with all lots accessing existing Hall County, Georgia roads.

8.180.170. - Stormwater Management Standards.

Subject to the applicability criteria in 8.180.150 and exemptions in 8.180.160, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

- A. Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
- B. Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
1. Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
 2. Natural Drainage Divides and Patterns,
 3. Natural Drainage Features (e.g., swales, basins, depressional areas),
 4. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
 5. Predominant soils (including erodible soils and karst areas), and
 6. Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
- C. Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.
- D. Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:
1. For development with a stormwater management plan submitted before December 1, 2020, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
 2. For development with a stormwater management plan submitted on or after December 1, 2020, the applicant shall choose (a) Runoff Reduction and additional water quality shall not be required. To the extent (a) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability

Policy, then (b) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

a. Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

b. Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

3. If a site is determined to be a hotspot as detailed in 8.180.150, Hall County may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

E. Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

1. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
2. Erosion prevention measures, such as energy dissipation and velocity control; and
3. Preservation of any applicable stream buffer.

F. Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event. If control of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.

G. Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

H. Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal

downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

I. Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by Hall County, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in 8.180.280.

J. Stormwater Management System Drainage and Access Easements.

Drainage and access easement(s) will be in favor of Hall County, Georgia to allow Hall County, Georgia to inspect and maintain (on publicly maintained systems) the system as necessary. No obstruction shall be built, constructed, or planted that would inhibit proper function of the system, associated drainage systems, or the easement(s).

1. *Stormwater management system easements, residential*. The developer shall execute 20-foot easements in favor of Hall County, Georgia to include the following:
 - a. An easement encompassing the entire perimeter of any stormwater management facilities that shall be measured from the 100-year stormwater ponding limits or six inches above the elevation of the overflow. Easement shall encompass entirety of the stormwater management system as well. The entire dam structure shall be included as well and easement should extend 20 feet beyond the dam toe of slope.
 - b. A 20-foot drainage easement measured ten feet in both directions from the appropriate centerline of all associated piping, channels, ditches, streams or other areas that are designed for stormwater to flow to and from the stormwater management facility;
 - c. A 20-foot access easement connecting the facility to the nearest public road;
 - d. Access easements can be combined with drainage easements where a pipe exists with a width of 30 feet provided easement is off center with the pipe such that there is 20 feet clear on one side for access.
 - e. No portion of the easement(s) to and from the Hall County, Georgia road and around the perimeter of the facility will be steeper than a grade of 3:1. The access easement must be clearly staked at the time of final platting.
2. *Stormwater management system easements, nonresidential*. The property owner shall execute a 20- foot drainage easement surrounding the entire perimeter of the facility in favor of Hall County, Georgia to allow Hall County, Georgia to inspect

and observe the facility as necessary. The easement boundary shall be measured from the 100-year stormwater ponding limit or six inches above the elevation of the overflow. The entire dam structure shall be included as well. Easement shall encompass entirety of the stormwater management system as well. The property owner shall additionally grant permission to Hall County, Georgia, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever Hall County, Georgia deems necessary. Hall County, Georgia maintains the right to make emergency repairs to the facility as deemed necessary. No obstruction shall be built, constructed or planted that would inhibit proper function of the facility, associated drainage systems, or the easement(s).

K. Hall County Specific Design Requirements

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

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

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

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

5. *Residential stormwater management facilities with retaining walls.* Retaining walls as part of stormwater management facilities will not be accepted into the county

maintenance system. An appropriate private maintenance agreement for these facilities will need to be in place prior to final plat.

6. *Individual lot residential BMPs.* Individual lot residential BMPs, including, but not limited to, downspout disconnects, individual rain gardens, or other BMPs designed to treat a single residential lot, are not eligible for acceptance into the Hall County maintenance system. An appropriate private maintenance agreement for these facilities will need to be in place prior to final plat.

7. *Stormwater management facility dams.* Dams for stormwater management facilities need to be at least 20 feet from the nearest property line as measured from the toe of slope for an earthen dam or edge of footer for a concrete structure.

8. *Proprietary devices* are allowed with proper third party testing data that follows the testing protocol as set forth by the Metropolitan North Georgia Water Planning District.

8.180.180. - Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

A. Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with Hall County. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with Hall County when applying for a Determination of Infeasibility through the Practicability Policy.

B. The stormwater concept plan shall be prepared using the minimum following steps:

1. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
2. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
3. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

- C. The stormwater concept plan shall contain:
1. Common address and legal description of the site,
 2. Vicinity map, and
 3. Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - a. Existing and proposed topography (minimum of 2-foot contours),
 - b. Perennial and intermittent streams,
 - c. Mapping of predominant soils from USDA soil surveys,
 - d. Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
 - e. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
 - f. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
 - g. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
 - h. Preliminary estimates of unified stormwater sizing criteria requirements,
 - i. Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
 - j. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
 - k. Flow paths,
 - l. Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

m. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

D. The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (3), (4), (5), and (6) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

1. Natural Resources Inventory
2. Stormwater Concept Plan
3. Existing Conditions Hydrologic Analysis
4. Post-Development Hydrologic Analysis
5. Stormwater Management System
6. Downstream Analysis
7. Erosion and Sedimentation Control Plan
8. BMP Landscaping Plan
9. Inspection and Maintenance Agreement
10. Evidence of Acquisition of Applicable Local and Non-Local Permits
11. Determination of Infeasibility (if applicable)
12. Conservation area easement (if applicable)

E. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

1. As-built Drawings
2. Hydrology Reports
3. Current inspection of existing stormwater management structures with deficiencies noted
4. BMP Landscaping Plans

8.180.190. - Application Fee.

The fee for review of any land development application shall be based on the fee structure established by Hall County, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

8.180.200. - Application Procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Chapter 8.40 or building permit pursuant to Chapter 17.360, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

A. File a land development application with Hall County on Hall County's form of application with the following supporting materials:

1. The stormwater management plan prepared in accordance with 8.180.180 D,
2. A certification that the development will be performed in accordance with the stormwater management plan once approved,
3. **A Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy,** and
4. An acknowledgement that applicant has reviewed Hall County's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

B. The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

C. If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

D. If the application and supporting materials are approved, Hall County may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

8.180.210. - Compliance with the Approved Stormwater Management Plan.

All development shall be:

- A. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- B. Conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

8.180.220. - Inspections to Ensure Plan Compliance During Construction.

Periodic inspections of the stormwater management system during construction shall be conducted by the staff of Hall County or conducted and certified by a professional engineer who has been approved by Hall County. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

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

8.180.230. - Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.

Upon completion of the development, the applicant is responsible for:

- A. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- B. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- C. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- D. Delivering to Hall County a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (A) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to Hall County with the request for a final inspection. Hall County shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

8.180.240. - Special tax district for public residential stormwater management facilities.

- A. *Ratification of existing district.* The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for inspection, maintenance, and repair of residential stormwater management facilities in unincorporated Hall County, Georgia and incorporated areas of Hall County, Georgia in which the County is the issuing authority, as shown by the records in the office of the Hall County Engineer to which reference is hereby made for a full and complete description of the district hereinbefore created. All subdivisions permitted on or after the effective date of this chapter shall be added to the special taxing district.
- B. *Responsibility for costs.* The cost of construction (if applicable), inspection, maintenance, and repair of residential stormwater management facilities in the existing taxing district, and in the areas hereinafter added to the taxing district, shall be borne by the residents, lot owners, and property owners whose lot or property lies in the boundary of a subdivision served by a stormwater management facility.
- C. *Fee.* The charge assessed to each property owner in the district for inspecting, maintaining, and repairing the facility shall be as established in Appendix "I" Hall County Plan Review and Inspection Fee Schedule. From time to time, upon the recommendation of the director of public works and utilities of Hall County, Georgia, and approval of the board of commissioners of Hall County, Georgia, the above Appendix "I" may be revised as deemed necessary.
- D. *Petition for addition to the special taxing district for stormwater management facility inspection, maintenance, and repair in subdivisions.* Any lot owner being served by a stormwater management facility in Hall County, Georgia may present a request to be added to the special taxing district to the Hall County Engineer. Upon receipt of the request, the Hall County Engineer shall determine the appropriate boundaries for addition to the special taxing district for stormwater management facilities that will serve the lot owner presenting the request and neighboring lot owners. The boundary shall consist of the subdivision that is served by the stormwater management facility and adjoining land owners served by the facility that agree to be included in the special tax district. The Hall County Engineer shall then prepare a plat showing this area for addition to the special taxing district for stormwater management facilities, and a petition for the addition to the special taxing district for stormwater management facilities shall then be circulated among the lot owners in the proposed district. The completed petition must be returned to the Hall County Engineering

Department, and application fees must be paid at that time. If 51 percent of the lot owners in the proposed district sign the petition in affirmation for the addition to the special taxing district for existing stormwater management facilities, the petition shall be presented to the Board of Commissioners of Hall County, Georgia. The board of commissioners shall conduct two public hearings for the purpose of determining whether or not to add the proposed area to the special district for stormwater management facilities. The public hearings shall be advertised one time in the official organ of Hall County, Georgia, giving notice of the hearings, at least 15 days before the public hearings. The Hall County Engineer will verify the signatures on the petition prior to advertising the public hearings.

- E. *Payment date, delinquencies.* The due date for the payment of drainage district assessment charges herein provided for shall be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not be deemed paid until all real estate taxes are paid in full.
- F. *Responsibilities of revenue collections department.* The billing, accounting, collecting, and receiving of the moneys herein provided for are hereby declared the responsibility of the Finance and Tax Commissioner's Departments of Hall County, Georgia.

8.180.250. - Special tax district for nonresidential and private residential stormwater management facilities.

- A. *Ratification of existing district.* The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for the inspection and emergency repairs of nonresidential stormwater management facilities in unincorporated areas of Hall County, Georgia, and incorporated areas in which Hall County is the soil erosion issuing authority, as shown by the records in the office of the Hall County Engineer to which reference is hereby made for a full and complete description of the district hereinbefore created. All nonresidential projects and private subdivisions permitted on or after the effective date of this chapter shall be added to the special taxing district.
- B. *Responsibility for costs.* The cost of inspection and emergency repairs completed by Hall County of nonresidential and private residential stormwater management facilities in the existing taxing district, and in the areas hereinafter added to the taxing district, shall be borne by the property owners whose lot or property lies in the boundary of said district served by a stormwater management facility.
- C. *Fees.* The charge assessed to each property owner in the district for inspecting the facility shall be as established in Appendix "I" Hall County Plan Review and Inspection Fee Schedule. Additional costs will be assessed for any necessary emergency repairs performed by Hall County Georgia on the facility. In addition, from time to time, upon the recommendation of the director of public works and utilities of Hall County, Georgia, and approval of the board of commissioners of Hall County, Georgia, the above Appendix "I" may be revised as deemed necessary.

- D. *Payment date, delinquencies.* The due date for the payment of drainage district assessment charges herein provided for shall be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not be deemed paid until all real estate taxes are paid in full.
- E. *Responsibilities of revenue collections department.* The billing, accounting, collecting, and receiving of the moneys herein provided for is hereby declared the responsibility of the finance and tax commissioner's departments of Hall County, Georgia

8.180.260. - Violations and Enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Chapter 8.40 or the underlying building permit pursuant to Chapter 17.360. To address a violation of this Chapter, Hall County shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

8.180.270. - Maintenance by Owner of Stormwater Management Systems Predating Current GSMM.

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

8.180.280. - Inspection and Maintenance Agreements.

- A. The owner shall execute an inspection and maintenance agreement with Hall County obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by Hall County. After the inspection and maintenance agreement has been signed by the owner and Hall County, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
- B. The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by Hall County. Upon any sale or transfer of

the site, the new owner shall notify Hall County in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

C. The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

1. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to Hall County.

2. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

8.180.290. - Right of Entry for Maintenance Inspections.

The terms of the inspection and maintenance agreement shall provide for Hall County's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then Hall County shall have the right to enter and make inspections pursuant to Hall County's general provisions for property maintenance inspections.

8.180.300. Owner's Failure to Maintain the Stormwater Management System.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to Hall County. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

A. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations and

B. To address such a failure to maintain the stormwater management system, Hall County shall have all the powers and remedies that are available to it for other violations

of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.