

## **ARTICLE IV      WATER SUPPLY WATERSHED PROTECTION**

### **Sec. 16-284. Purpose.**

The purpose of this chapter is to protect the designated water supply watersheds in unincorporated Rabun County from potential adverse effects of residential and non-residential development, such as leaching of sewage from septic systems, increased stormwater runoff, sedimentation and other sources of water pollution, in order to protect raw water used for potable water production.

### **Sec. 16-285. Water supply watershed; defined.**

- (a) Watershed areas within Rabun County correspond to the topographical features that delimit the drainage basins of the respective creeks, streams and rivers within the county.
- (b) A "water supply watershed" is the portion of a watershed upstream of a governmentally owned public drinking water supply intake.
  - (1) A "large water supply watershed" is one having a drainage basin of 100 square miles or greater.
  - (2) A "small water supply watershed" is one having a drainage basin less than 100 square miles.
- (c) Large Water Supply Watersheds:  
The requirements of this Section apply to the large water supply watersheds identified by the State of Georgia associated with the Tallulah River and Little Tennessee River.
- (d) Small Water Supply Watersheds:  
The requirements of this Section apply to the small water supply watersheds identified by the State of Georgia associated with Mud Creek.
- (e) Upon the creation of a large or small water supply watershed in or extending into Rabun County as the result of construction of a governmentally owned public water drinking water supply intake, the rules of the Georgia Department of Natural Resources adopted pursuant to State law shall apply.

### **Sec. 16-286. Conservation corridors in water supply watersheds; buffers.**

Along all watercourses within a water supply watershed, the conservation corridors shown on the Future Land Use Map shall be shown on all plans and plats and shall be protected by the following:

- (a) Within 7 miles upstream from a public water supply intake or reservoir:
  - 1. A minimum 100-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and
  - 2. A minimum setback from the stream buffer of 50 feet for all impervious surfaces, septic tanks and their drainfields.
- (b) Beyond 7 miles upstream from a public water supply intake or reservoir in a small water supply watershed:
  - 1. A minimum 50-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and
  - 2. A minimum setback from the stream buffer of 25 feet for all impervious surfaces, septic tanks and their drainfields.

**Sec. 16-287. Development regulations.**

- (a) All requirements relating to the development of a site within a water supply watershed shall be those that apply to the underlying Land Development District, except where the provisions of the water supply watershed ordinance differ or are more restrictive than the development regulations applying to the underlying Land Development District or contained elsewhere in this Ordinance.
- (b) The maximum permitted impervious surface area in a small water supply watershed, including all public and private structures, utilities or facilities within the entire water supply watershed shall be 25 percent, or existing use, whichever is greater.
- (c) No construction plans for a development containing a water supply watershed conservation corridor will be released until copies of all necessary state and federal permits have been provided to Rabun County.

**Sec. 16-288. Water supply watersheds; restrictions.**

The following are limited within all water supply watersheds:

- (a) New hazardous waste treatment or disposal facilities are prohibited.
- (b) New sanitary landfills, if permitted by Georgia Department of Natural Resources, shall have synthetic liners and leachate collection systems.
- (c) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Georgia Department of Natural Resources.
- (d) The application of animal waste on land must follow guidelines established by the United States Department of Agriculture, Natural Resource Conservation Service and Georgia Agricultural Best Management Practices.

**Sec. 16-289. Water supply watersheds; exemptions.**

The following uses are exempt from the restrictions for water supply watersheds (with some limitations and conditions as noted):

- (a) Development and land use legally established prior to the adoption of this Ordinance.
- (b) Mining activities permitted by the Georgia Department of Natural Resources under the Surface Mining Act (outside of stream buffer areas).
- (c) Removal of vegetation from within stream buffers shall be allowed in accordance with Georgia Forestry Best Management Practices, and
  - (1) Disturbance is required to construct mulched pedestrian paths; or
  - (2) For the installation of a dam necessary for stormwater detention.
- (e) Utilities shall be exempt from the water supply watershed buffer and setback provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:
  - (1) The utilities shall be located as far from the stream bank as reasonably possible.
  - (2) The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible using watershed best management practices to the greatest extent practical.

- (f) Roadways, bridges and drainage structures may encroach upon required greenways and setbacks where such structures are necessary to provide access. Such roadways and bridges shall cross-streams perpendicularly where reasonably possible. The number of such stream crossings and associated structures shall be minimized to the greatest extent possible.
- (g) Specific forestry and agricultural activities (outside of stream buffers) that are consistent with best management practices established by the Georgia Forestry Commission/Department of Agriculture and do not impair the quality of streams.