

CROSSWALK for NEW and OLD SECTION 304, WATERSHED PROTECTION ORDINANCE

Riparian Buffer Requirements

November 5, 2007

Purpose and Intent

- Preamble added to explain need for amendments to Section 304
- Footnote added to cite Clean Water Act

Definitions

- New Section 109 = ERB Definition of Terms (with some modifications and additions) and old Section 601 of Watershed Protection Ordinance
- New definitions:
 - Bankfull elevation
 - Diffuse flow
 - Ditch or canal
 - Land-Disturbing Activity (from E&SC Ordinance)
 - Natural
 - Normal pool elevation
 - Seeps and Springs
 - Stream
 - Top of Bank
 - Trail Management Plan
- Modifications to existing definitions:
 - Bankfull discharge
 - Best Management Practices
 - Development (reference added)
 - Ephemeral, intermittent and perennial streams (definitions tied directly to DWQ methodologies)
 - Hazardous Waste (f.k.a. Hazardous Material)
 - Buffer (now Riparian Buffer)

Field Procedures

- New guidance document that serves as technical supplement to Section 304
- Describes criteria and procedures required to classify streams in Chatham County
- Clearly defines methods used to evaluate streams and seeps and springs in the field
- Addresses natural variations seen in the field, including unbroken segments, modified natural channels, ditches and canals, etc.
- Water bodies are clearly flagged and labeled in the field

- Allows County staff to make field inspections
- Specifies training needed to classify streams
- Ensures access to property for stream classification is obtained
- Requires data on streams be submitted to County

Section 304 Riparian Buffer Requirements

NEW Section 304 (Revisions dated 11.02.07)	OLD Section 304 (ERB recommendations dated 07.21.07)	Change/Notes
(A) Buffers Required (see also Definitions)	(A)	Clarification, methodologies defined, screening tools noted
(B) Field Delineations	(A)	
(C) Exemptions (see also Definitions)	-- [noted elsewhere in WPO, ERB included definition]	Existing lots and existing development must follow USGS topos with 50' buffer; existing agriculture and forestry exempt
(D) Buffers by Classification	(A)	“at least deleted”; buffers measured “on all sides” of streams; 4-acre threshold for ephemerals deleted
(E) Identification Procedures <i>(new)</i>	-- [some of (A)]	Origins and endpoints and buffers must be marked in field and located on map; protective measures specified; new Field Procedures referenced
(F) Allowed Structures and Uses	(B)	Ag and forestry BMPs and NC ; see Crossings and Trails below
(F)4 Stream Crossings & (F)5 Utility Crossings	(B)3, (B)4, and (D)2	Crossing types clarified and defined; NC WRC <i>Guidance Memo</i> specifically referenced; DOT consulted
(F)8 Trails	(D)3	Trails language condensed, BMPs and Trail Management Plan referenced; restrictions on land disturbance relative to buffer clarified
(F)9 Wastewater Treatment and Disposal	(C)1	Previously a Prohibited Structure and Use; now Allowed “where no practicable alternative exists” after consultation with Environmental Health
(F)10 Maintenance	--	To specifically allow for maintenance associated with Allowed Structures and Uses
(G) Prohibited Structures and Uses	(B)4, (C) and (D)2g	Utilities prohibited [old (B)4]; “Sanitary” added to specify

		landfill type; discharge of storm water prohibited; excavation, land clearing, grading, and fill material specifically prohibited
(H) Buffer Vegetation	(A)7, (G)	Tree harvest language revised to follow NC Stormwater Manual definition for impaired buffer; if buffer not forested, regeneration or replanting required; moved language re: removal of invasives; references added in footnotes
(I) Determination of “No Practicable Alternative” or “Variances”	--	Lot owners who wish to undertake “allowed” uses in (F)5 and (F)9 must request determination by Watershed Review Board (NOTE: need to further edit for consistency - WRB or ERB)