AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DAWSON COUNTY

To establish a watershed protection plan; to establish a protected water supply watershed overlay; to establish protected water supply watershed districts; to establish a protected ground water recharge area district; to establish the Etowah River corridor protection district; to establish a wetland protection district; to establish a mountain protection district; to establish administration and enforcement procedures; to repeal conflicting ordinances; and for other purposes. O.C.G.A.§12-2-8.

WHEREAS, the Board of Commissioners of Dawson County approved an ordinance on November 26, 2001 that is attached hereto and incorporated herein by reference; and

WHEREAS, the state of Georgia in accord with O.C.G.A.§12-2-1, et seq. has requested that the language within the enacting ordinance be amended as set forth herein within the title, but acknowledges that the substance of the ordinance remains unchanged.

NOW, THEREFORE, the Board of Commissioners of Dawson County hereby decree and ordain the Protected Water Supply Watershed overlay district provisions, the Protected Groundwater Recharge Overlay, the Etowah River Corridor Protection District Overlay, the Wetland Protection District Overlay, and the Mountain Protection District Overlay, which shall hereafter be the title of this ordinance, and the Board of Commissioners of Dawson County hereby adopt such ordinance.

This OCT day of 16, 2003.

DAWSON COUNTY, GEORGIA

By: _____
Don Roberts, Chairman

ATTEST

_____
Betty Cloer, Dawson County Clerk

ORDINANCE OF THE BOARD OF COMMISSIONERS OF DAWSON COUNTY

To establish a watershed protection plan; to repeal conflicting ordinances; and for other purposes. O.C.G.A.§12-2-8.

WHEREAS, the natural resources, environment, and vital areas of Dawson County are important to the citizens of Dawson County; and

WHEREAS, the State of Georgia has established minimum standards for land use in order to protect and preserve the natural resources, environment, and vital areas of the State of Georgia; and

WHEREAS, the Department of Natural Resources of the State or Georgia has developed minimum standards and procedures in accord with O.C.G.A.§50-8-7.1 and 50-8-7.2 for the protection of natural resources, the environment, and the vital areas of the State of Georgia, which include, but are not limited to, the protection of river corridors, the protection of watersheds of streams and reservoirs that are to be used for public water supply, for the protection of purity of the groundwater, and for the protection of wetlands, which Dawson County must follow when developing, preparing, and implementing comprehensive plans; and

WHEREAS, the Board of Commissioners of Dawson County adopted a Water Supply Watershed Protection Plan on December 27, 1999 that should be revised in accord with directives issued by the State of Georgia.

NOW, THEREFORE, the Board of Commissioners of Dawson County hereby decree and ordain this Water Supply Watershed Protection Plan, which shall hereafter be the title of this ordinance, and the Board of Commissioners of Dawson County hereby adopt the attached ordinance as the Water Supply Watershed Protection Plan of Dawson County, Georgia.

This 26th day of November, 2001.

DAWSON COUNTY, GEORGIA

By: _____
Don Roberts, Chairman

ATTEST

_____
County Clerk

First Reading:	November 12, 2001
Second Reading:	November 26, 2001
Dates of Advertisement:	October 31, November 7 and 14, 2001

Vote: Yes 4
Against 0

ORD.NO._____

ORDINANCE OF THE BOARD OF COMMISSIONERS OF DAWSON COUNTY

To establish a watershed protection plan; to repeal conflicting ordinances; and for other purposes. O.C.G.A. §12-2-8.

WHEREAS, the natural resources, environment, and vital areas of Dawson County are important to the citizens of Dawson County; and

WHEREAS, the State of Georgia has established minimum standards for land use in order to protect and preserve the natural resources, environment, and vital areas of the State of Georgia; and

WHEREAS, the Department of Natural Resources of the State of Georgia has developed minimum standards and procedures in accord with O.C.G.A. §50-8-7.1 and 50-8-7.2 for the protection of natural resources, the environment, and the vital areas of the State of Georgia, which include, but are not limited to, the protection of river corridors, the protection of watersheds of streams and reservoirs that are to be used for public water supply, for the protection of purity of the groundwater, and for the protection of wetlands, which Dawson County must follow when developing, preparing, and implementing comprehensive plans;

NOW, THEREFORE, the Board of Commissioners of Dawson County hereby **DECREE AND ORDAIN** this Water Supply Watershed Protection Plan, which shall hereafter be the title of this ordinance.

SECTION I

DEFINITION

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or

producing water from a well.

Buffer: A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas.

Buffer, Planted: A buffer area that is cleared in the construction process and having specified vegetation that is purposely re-planted for environmental protection and from encroachment of conflicting uses.

Buffer, Undisturbed: An undistributed buffer is one left in a natural state or augmented with plantings to achieve the goal of buffering.

Buffer Area, Natural Vegetative: A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

Comprehensive Plan or Plan: Any plan by Dawson County or any plan by a regional development center covering the center's region proposed or prepared pursuant to the minimum planning standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs in accordance with O.C.G.A. §50-8-1 through 50-8-12. (Note this is the same definition used in O.C.G.A.§50-8-2).

Drastic: The standardized system for evaluating groundwater pollution potential using the hydro geologic settings described in U.S. Environmental Protection Agency document EPA-600\2-87-035. (Note The "Drastic" methodology is the most widely used technique for evaluating pollution susceptibility.)

Hazardous Waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant

to the federal act, which are in force and effect on February 1, 1998, codified as 40 C.F.R. Section 261.3. (Note: This is the same definition as used in Georgia Hazardous Waste Management Act.)

Impervious Surface: A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Land Disturbing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Land Use Existing Prior to the Promulgation of a River Corridor Protection Plan: Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the River Corridor Protection Plan falls within one of the following categories:

1. Is completed;
2. Is under construction;
3. Is fully approved by the governing authority;
4. All materials have been submitted for approval by the governing authority; or
5. Is zoned for such use and expenditures in excess of $2,500.00 have been made in preparation for construction in accordance with such zoning.

Local Government: The governing authority of a political subdivision.

Overlay District: A zoning district that encompasses one or more underlying zones and that

imposes additional requirements above that required by the underlying zone(s). An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

Perennial River: A river or section of a river that flows continuously throughout the year.

Perennial Stream: A stream which flows throughout the whole year as indicated on a USES quadrangle map.

Pollution Susceptibility: The relative venerability of an aquifer to being polluted from spills, discharge, leaks, impoundments, application of chemicals, injections and other human activities in the recharge area.

Pollution Susceptibility Maps: Maps of relative venerability to pollution prepared by the Department of Natural Resources. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential.

Protected River: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.

Public Utility or Utilities: A service or services provided by a public utility company or a private entity which provides such service or services, and all equipment and structures necessary to provide such services.

Quadrangle Map: The most recent published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.

Recharge Areas: Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

River Bank: The rising ground, bordering a river, which serves to confine water to the natural channel during the normal course of flow.

River Corridor: All land within areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks.

The 100 foot buffer shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in slope. Although not within the measured 100 foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by Dawson County in the same manner as the river corridor and shall be included within the River Corridor Protection Plan.

Because streams channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the Dawson County Comprehensive Plan. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

River Corridor Protection Plan: That part of Dawson County Comprehensive Plan which deals with the river corridor protection requirements specified herein.

Sensitive Natural Areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

1. Habitat, including nesting sites, occupied by rare or endangered species;
2. Rare or exemplary natural communities;
3. Significant landforms, hydroforms, or geological features; or
4. Other areas so designated by the Department of Natural Resources;

and which is sensitive or vulnerable to physical or biological alteration.

Single Family Dwelling: A dwelling structure that is designed for the use of one family.

Significant Recharge Area: Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contracts, geologic structure, the presence of karst, and potentiometric surfaces. Significant recharge areas for Forsyth County are typified by those in the Piedmont and Blue Ridge, where rock have little primary porosity, with most groundwater being stored in overlying soils. The significant recharge areas are those with thicker soils. Filed mapping indicates that thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,00 Geological Map of Georgia) and slopes lower than 8%.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by Forsyth County.

Water Supply Watershed: The area of land upstream of a governmentally owned public drinking water intake.

Water Supply Watershed Protection Plan: A land use plan prepared and adopted by local governments for the protection of the quality of drinking water obtained from the watershed.

Wetland Protection Plan: All wetlands within Dawson County which are indicated on the Wetlands Protection District Overlay Map as "wetlands providing significant wildlife habitat and/or which may be subjected to extensive mitigation."

Wetlands, Freshwater: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. (33CFR32.93). The ecological parameters for

designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

SECTION II

OVERLAY DISTRICT PROVISIONS

A. Purpose: The purpose of this overlay district provision is to conserve natural resources and realize development objectives without unduly disturbing the expectations created by the existing zoning ordinance. The existing zoning provisions may properly regulate the relevant district, in general, but more specific and targeted provisions contained in an overlay district are needed to accomplish pressing land use objectives related to the conservation of fragile natural resources. The resources include, but are not limited to, groundwater recharge areas, water supply, watersheds, protected river corridors and wetlands.

B. Applicability: The Overlay District provisions of this Chapter are applicable to those parcels within unincorporated Dawson County that have particular development constraints:

(A) The protected water supply watershed overlay is hereby designated and shall consist of land areas that drain to the public water supply intake. The boundaries of these overlays are defined by the ridge lines of the respective watersheds and the boundary of a radius of seven (7) miles upstream of the respective pubic water supply intakes. These districts shall be further delineated and defined on the Water Supply Watershed Protection Overlay Map of Dawson County, which is hereby incorporated and made a part of this ordinance by reference.

(B) The protected groundwater recharge area overlay is hereby designated, and shall consist of all lands within the jurisdiction of Dawson County, Georgia that are mapped as

significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. These districts shall be further delineated and defined on the Ground Water Recharge Area Protection Overlay Map of Dawson County, which is hereby incorporated and made a part of this ordinance by reference.

(C) The Etowah River Corridor Protection District overlay is hereby designated, and shall consist of all areas within one hundred (100) feet horizontally on both sides of the Etowah River, in Dawson County. These districts shall be further delineated and defined on the Etowah River Corridor Protection District Overlay Map of Dawson County, which is hereby incorporated and made a part of this ordinance by reference.

(D) Wetland Protection District overlay is hereby designated, and shall consist of all wetlands within the Wetland Protection District as defined herein and located within the jurisdiction of Dawson County. These districts shall be further delineated and defined on the Wetland Protection District Overlay Map of Dawson County, which is hereby incorporated and made a part of this ordinance by reference.

SECTION III

PROTECTED WATER SUPPLY WATERSHED DISTRICT

A. Minimum Criteria for the Etowah River

Water Supply Watershed:

1. Permitted Used for Perennial Stream Corridors within a Seven Mile Radius Upstream of a Governmentally Owned Public Drinking Water Supply Intake. All uses allowed in the underlying zoning districts as established by this Ordinance, except for uses listed in Prohibited Uses below are permitted in the Water Supply Watershed Protection Overlay, subject to the following conditions and standards:

(A) An undisturbed buffer shall be maintained for a distance of 25 feet on both sides of the stream as measured from the stream banks.

(B) No impervious surface shall be constructed within a 50 foot setback area on both sides of the stream as measured from the stream banks.

(C) Septic tanks and septic tank drain fields are prohibited in the setback areas of (B) above.

2. Permitted Uses for Perennial Stream Corridors outside a Seven Mile Radiu Upstream of a Governmentally Owned Public Drinking Water Supply Intake. All uses allowed in the underlying zoning districts as established by this Ordinance except for uses listed in Prohibited Uses below are permitted in the Water Supply Watershed Protection Overlay, subject to the following conditions and standards:

(A) A buffer shall be maintained for a distance of 25 feet on both sides of the stream as measured from the stream banks.

(B) No impervious surface shall be constructed within a 50 foot setback area on both sides of the stream as measured from the stream banks.

(C) Septic tanks and septic tank drain fields are prohibited in the setback areas of (B) above.

3. General Criteria for the Etowah River Water Supply Watershed: The following criteria apply to all locations within the watershed:

(A) new sanitary landfill shall be permitted only if such sanitary landfilee has synthetic liners and leachate collection systems.

(B) new hazardous waste treatment or disposal facilities are prohibited.

(C) the impervious surface area, including all public and private structures, utilities, or

facilities of the entire water supply watershed shall be limited to twenty-five (25) per cent, or existing use, whichever is greater.

(D) new facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds on any one day or more shall perform operations on impervious surfaces in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

(E) land disturbing activities shall not be conducted within 100 feet (horizontal), as measured from the point where vegetation has been wrested by normal stream flow or wave action, of the banks of any state waters classified as "Trout Streams" pursuant to Article 2 of Chapter 5 of the "Georgia Water Quality Act."

4. Exemptions:

(A) Land uses existing prior to the promulgation of this Water Supply Watershed Protection Plan.

(B) Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.

(C) Utilities are exempt from the stream corridor buffer and setback area provisions of the Water Supply Watershed Protection Plan if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas and shall be subject to the following conditions:

i. the utilities shall be located as far from the stream bank as reasonably possible;

ii. 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;

iii. the utilities shall not impair the quality of the drinking water stream.

(D) Forestry and agricultural activities are exempt from the stream corridor buffer and setback area provisions of Water Supply Watershed Protection Plans in accordance with the following conditions:

i. the activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.

ii. the activity shall not impair the quality of the drinking water stream.

SECTION IV

PROTECTED GROUNDWATER RECHARGE AREA DISTRICT

A. Permitted Uses: All uses allowed in the underlying zoning districts as established by the Ordinance except for those uses listed in Prohibited Uses below are permitted in a significant Protected Groundwater Recharge Area Overlay, subject to the following conditions and standards:

(A) No permits shall issue for new sanitary landfills not having synthetic liners and leachate collection systems.

(B) No permits shall issue for land disposal of hazardous wastes.

(C) Any permit for new facilities to treat, store, or dispose of hazardous waste shall perform such operations on an impermeable pad having a spill and leak collection system.

(D) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1). Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.

(E) New agricultural waste impoundments sites shall be lined if they are within:

1. A high pollution susceptibility area;

2. A medium pollution susceptibility area and exceed 15 acre-feet;

3. A low pollution susceptibility area and exceed 50 acre-feet.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5x10.7 sm/sec or other criteria established by the U.S. Soil Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should b able to compact clay to the recommended vertical hydraulic conductivity.)

(F) New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-1"):

1. 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area; and

2 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within medium pollution susceptibility area; and

3. 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility.

(G) New mobile home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitation as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-2):

1. 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are

within a high pollution susceptibility area; and

2. 125% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a medium pollution susceptibility area; and

3. 110% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a low pollution susceptibility area.

(H) If Dawson County requires a larger lot size than that required by (f) above for homes or by (g) above for mobile homes, the larger lot size shall be used.

(I) No construction may proceed on a building or mobile home to be served by a septic tank unless the Dawson County Health Department first approves the proposed septic tank installation as meeting the requirements of the DHR Manual and (f), (g), and (h) above.

(J) New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks), and amounts of 10,000 pounds on any one day or more, shall perform their operations on impervious surfaces in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

(K) The Department of Natural Resources shall require conservation design in any new permits for the spray irrigation of waste waters or the land spreading of waste water sludges in areas having high pollution susceptibility. This shall be accomplished by comparing the Department's **Criteria for Slow Rate Land Treatment** (February, 1986 or latest edition) with amendments and other technical publications to site specific information submitted by a registered professional engineer for each project.

(L) Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

(M) Exclusive of mining settling basins, new waste water treatment basins shall have an impermeable liner in areas having high pollution susceptibility.

B. Exemptions: Any lot of record on the date of adoption of the lot size standards in (f) and (g) above are exempt from the requirements of (f) and (g) above.

SECTION V

THE ETOWAH RIVER CORRIDOR PROTECTION DISTRICT

A. Applicability: These provisions shall apply to all areas of land in unincorporated Dawson County within one hundred (100) feet horizontally from the river bank of the Etowah River; downstream from the confluence of the Etowah River and Shoal Creek to the Forsyth County line as found in the Etowah River Corridor Protection Plan, which is part of the Dawson County Comprehensive Plan.

B. Permitted Use: All uses allowed in the underlying zoning districts as established by the Ordinance, except those uses listed in Prohibited Uses below are permitted in the Etowah River Corridor Protection District Overlay, subject to the following conditions and standards:

(a) Protected Criteria:

1. The Etowah River Corridor Protection Plan shall provide for the maintenance of a natural vegetative buffer, except as otherwise provided herein.

2. The Etowah River Corridor Protection Plan shall not prohibit the construction of a single family dwelling, including the usual appurtenances, within the buffer area, subject to the following conditions:

i. the dwelling shall be in compliance with all Dawson County zoning regulations;

ii. the dwelling shall be located on a tract of land containing at least two acres. For the purpose of these standards, the size of the tract of land shall not include any area that lies

within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks cannot be counted towards the two acre minimum size).

iii. Only one dwelling on each two-acre or larger tract of land.

iv. a septic tank or tanks serving such a dwelling may be located within the buffer area; and

v. septic tank drain fields shall not be located within the buffer area.

(B) Within the river corridor, industrial and commercial land uses existing prior to the promulgation of these provisions are exempt from these criteria provided that:

1. industrial and commercial uses of river corridors shall not impair the drinking quality of the river; and

2. industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

(C) Except as expressly provided for in the provisions of these criteria (dealing with single family dwellings within the river corridor), septic tanks and septic tank drain fields are prohibited within river corridors.

(D) The Etowah River Corridor Protection Plan shall provide for the construction of road crossings and utility crossings of the river corridor; provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975, and the Dawson County Soil Erosion and Sedimentation Control Ordinance and any other applicable local ordinances on soil erosion and sedimentation control.

(E) The Etowah River Corridor Protection Plan shall provide the following acceptable uses of river corridors, provided that such uses do not impair the long-term functions of the protected river or river corridor:

1. Timber production and harvesting, subject to the following conditions:

i. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission, and

ii. Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.

2. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A.§12-2.8.

3. Waste-water treatment.

4. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.

5. Natural water quality treatment or purification.

6. Agricultural production and management, subject to the following conditions:

i. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;

ii. Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and

iii. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.

7. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

(F) Handling areas for the receiving and storage of hazardous waste are prohibited within

river corridor.

(G) Hazardous waste or solid waste landfills are prohibited within river corridor.

(H) The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.

(I) Commercial and industrial uses are prohibited within the river corridor.

(J) Except as noted above, all construction within the buffer area shall be prohibited.

C. Exemptions:

(A) Land uses existing prior to the promulgation of the river Corridor Protection Plan.

(B) Mining Activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.

(C) Utilities, (except as discussed above in Section 3.A.4, if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:

1. That utilities shall be located as far from the river bank as reasonably possible;

2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and

3. Utilities shall not impair the drinking quality of the river water.

(D) Specific forestry and agricultural activities except as discussed above in Sections _____.

SECTION VI

WETLANDS PROTECTION DISTRICT

A. Permitted Uses: All uses allowed in the underlying zoning districts as established by the Ordinance except for those listed in Prohibited Uses below are permitted in the Wetland Protection District Overlay, subject to the following conditions and standards:

(A) No development permit will be issued on a project that appears to contain wetlands until a determination has been made by the Corps of Engineers, or a formally trained wetland delineator from the Corps of Engineers' list of approved consultants, on whether jurisdictional wetlands exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must: (1) obtain a wetlands alteration Section 404 Permit from the Corps of Engineers; or (2) provide documentation indicating that coordination with the Corps of Engineers regarding a Section 404 Permit is in effect.

(B) If a project appears to contain wetlands, the following note must be printed in bold-face type on all development plans:

This site contains wetlands. The applicant will first obtain a wetland alteration Section 404 Permit from the Corps of Engineers prior to disturbing any jurisdictional wetlands.

(c) Prohibited uses of wetland areas include:

1. Receiving areas for toxic or hazardous waste or other contaminants;

2. Hazardous or another waste landfills;

(D) Use of wetland areas without long-term impairment is permitted. Acceptable uses may include:

1. Timber production and harvesting activities consistent with the best management practices established by the Georgia Forestry Commission;

2. Wildlife and fisheries management;

3. Wastewater treatment;
4. Recreation;
5. Natural water quality treatment or purification; and
6. Other uses permitted under Section 404 of the Clean Water Act.

SECTION VII (SEVERABLITY)

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

SECTION VIII (REPEALER)

Any resolution, rule, regulation, or other instruction approved by the Board of Commissioners of Dawson County that is inconsistent with the provisions of this ordinance is repealed, revoked, and shall be of no further force or effect upon the effective date of the ordinance. However, the Board of Commissioners of Dawson County hereby provide that any resolution or law that maybe applicable hereto and aid in carrying out and making effective the intent, purpose, and provisions hereof and not repealed hereby shall be liberally construed in favor of the county.

SECTION VIIII (EFFECTIVE DATE)

This ordinance shall be effective on the date of its adoption by the Board of

Commissioners of Dawson County.

This ordinance is hereby adopted this 27th day of Dec., 1999 in order to promote the public health, safety, and general welfare of the citizens of Dawson County, Georgia and in order to protect the natural resources, the enviroment, and vital areas of Dawson County.

This 27th day of Dec., 1999.

Dawson County, Georgia

By: Robert L Wallace

Robert ~~W~~ L. Wallace, Chairman
Dawson County Board of Commissioners

Attest: Cindy Black
County Clerk

1st Reading: Dec. 13, 1999

2nd Reading Dec. 27, 1999

Published: Nov. 24, 1999; Dec. 1, 1999; Dec. 8, 1999

VOTE: 12-27-99

YES 4

NO 0