

# **Watershed Protection Plan**

for

**Decatur County**

**September 2008**

Prepared for

**Decatur County**



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**Stantec**

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## **1 Introduction**

The Georgia Environmental Protection Division (EPD) has required that the Commissioners of Decatur County conduct a three phase watershed assessment and protection plan on the 12-digit HUC, 031200080703, that contains the Decatur County Industrial Park Water Pollution Control Plant (WPCP), excluding the portion of the HUC that is within Bainbridge city limits. On behalf of Decatur County, Stantec Consulting Services Inc. (Stantec) prepared a Monitoring Plan (Stantec 2005) as the first phase of the watershed assessment. The second phase, a detailed assessment including analysis of water quality monitoring data, was completed in May 2007 (Stantec 2007) and is the basis for development of the third phase. The purpose of this third and final phase is to present a watershed protection plan that contains different protection strategies to protect existing water quality in the assessment area. This plan was developed in accordance with EPD Watershed Assessment and Protection Plan Guidance (EPD 2005).

## **2 Basis for Watershed Protection**

### **2.1 Phase I and II Findings**

The Monitoring Plan was executed between April and November 2006. Monitoring was conducted at two sampling sites on the Flint River, one at the upstream end of the assessment area and one near the downstream end. The extent of the monitoring plan was limited to two sites due to the small size of the study area and the absence of perennial flowing streams, other than the Flint River, within it. The detailed assessment included an analysis of this data along with historic water quality data from the Flint River. Although there was insufficient data to show a pattern of improvement or impairment in regards to nutrients, it was evident that fecal coliform levels have drastically decreased over the past thirty years. There were no water quality violations at either site or from the WPCP discharge. The water quality dynamics in the Flint River are more likely affected by river basin-scale impacts.

### **2.2 Pollutant Sources**

The detailed assessment showed that there are no immediate sources of degradation within the predominantly rural assessment area. Predicted growth in the area is low and would most likely include low-density residential areas that should not contribute significant quantities of pollutants or stormwater runoff to the river.

The industrial park, roads, and runway have the highest level of impervious surfaces and are likely the main source of stormwater runoff in the assessment area. This runoff is treated by stormwater detention ponds at the industrial park. The imperviousness of the residential areas is much lower as the houses are on large lots and/or are surrounded by open space. Runoff from these impervious surfaces has ample time to infiltrate before reaching the Flint River.

There is one confined animal feeding operation in the watershed as discussed in the watershed assessment (phase II). It should not be a nutrient source as all of the waste is shipped off site and out of the assessment area. Management of these pollutant sources is discussed in section 4.0.

### **3 Code and Regulation Evaluation**

A number of codes and regulations were reviewed and evaluated to determine any existing tools that can be used to protect the water quality of the assessment area. The county and the Southwest Georgia Regional Development Center (SWGRDC) both have comprehensive plans that cover the assessment area. The county also has a number of ordinances that apply to the assessment area. Additional state regulations are in place to protect water quality.

#### **3.1 Decatur County Comprehensive Plan**

The Decatur County Joint Comprehensive Plan, which also includes the towns of Attapulgus, Brinson, and Climax, was completed in 2007 (SGWRDC 2007). The plan includes an implementation strategy that contains a number of goals, objectives and policies. The overall goal for the natural resources portion of the plan is to “conserve, protect, and manage the natural resources of Decatur County” (SWGRDC 2007). Most of the objectives listed under this goal have some positive impact on water quality. Two objectives deal with protecting surface and ground water quality. Other objectives involve conservation and an attempt to balance human use of the land with protection of the environment.

One of the policies enacted to help meet the objectives of protecting water quality was the adoption of the Flint River Corridor Protection Ordinance in February of 1998. River Corridor Protection criteria (391-3-16.04) were established by the Department of Natural Resources (DNR) to be used for environmental planning. The purpose of the river corridor ordinance is to help protect water quality by controlling erosion and river sedimentation and adsorbing flood waters. The ordinance allows for the protection of 100 feet of natural vegetative buffer on each side of the Flint River. There are some exceptions to this rule such as single family dwellings may be built in the buffer if the lot is at least two acres in size and any septic drainfields are located outside of the buffer. Road and utility crossings are also permitted. Forestry and agriculture activities are permitted as long as best management practices are followed. The SWGRDC has created a map identifying all of the protected river corridors in Decatur County and the county adopted the ordinance in compliance with DNR’s River Corridor Protection Criteria on February 10<sup>th</sup> 1998 (Appendix A).

The River Corridor Protection Criteria are just one of five sets of environmental criteria established by DNR collectively referred to as the Rules for Environmental Planning Criteria (Chapter 39-3-16). Other Environmental Planning Criteria exist to protect groundwater recharge areas and wetlands. In Decatur County wetlands are protected by the development regulations adopted by the County in 1989 and amended in 2000. The regulations require that all jurisdictional wetlands be mapped and that the developer meet all applicable Federal and State regulations concerning impacts on wetlands and waters of the State. IN addition, the soil erosion and sedimentation control ordinance (section 3.3) provides additional protection to wetland areas. The County has not adopted any regulations specifically protecting groundwater however, the County requires a minimum lot size of 1.5 acres which is the same minimum lot size specified by the Environmental Planning Criteria. The county has enacted a policy regulating development in the floodplain. This is achieved through a floodplain ordinance that is described in section 3.4.

The overall goal in the land use portion of the plan is to “minimize the impact of development on the environment, adopt land use regulations that encourage incorporating the existing vegetation and environmental attributes of the land into the development and make the development a part of the

environment rather than an encroachment on the environment” (SWGRDC 2007). This goal would be met by adopting a county zoning ordinance. This zoning ordinance would help protect prime agricultural land and limit intensive development. The county has enacted a subdivision ordinance which will help control growth by requiring a minimum lot size of 1.5 acres for single-family homes with septic systems and well water provided the soils are suitable. If soils are less suitable, lot size may be increased to 3 acres. On the other hand, if water or sewer is available, the minimum lot size is 0.75 acre. This ordinance is found in chapter 2 of the Decatur County Land Development and Construction Regulation.

Summary Table

<p><i>Existing Watershed Protection Programs and Measures:</i></p> <ul style="list-style-type: none"> <li>• River Corridor Protection Plan</li> <li>• Floodplain Ordinance</li> <li>• Subdivision Ordinance</li> <li>• Wetlands Protection (within the development regulations)</li> </ul>
<p><i>Watershed Protection Opportunities:</i></p> <ul style="list-style-type: none"> <li>• Groundwater Recharge Protection Plan (only partial protection to date)</li> <li>• County Zoning Ordinance</li> </ul>

### 3.2 Regional Agenda

The Southwest Georgia Regional Development Center developed a 20-year Regional Agenda in 1997 that compiled information from local comprehensive plans and additional information from regional planning committees (SWGRDC 2005). A set of goals and objectives was established to cover the planning period 1997-2017. The Agenda, and the data it is based upon, are updated every year although the most recently approved agenda available is from March 2005.

A natural resource issue identified in the Agenda is the need for more comprehensive water management planning within the region. A number of goals were set to address this need, seven of which are applicable to this watershed protection plan. These are 1) management of water resources, 2) improving water quality by reducing frequency of contamination and protecting aquatic habitat and recreational benefits, 3) developing information on regional water use, 4) adoption and enforcement of DNR Environmental Planning Criteria, 5) increased collaboration between agencies developing and implementing natural resource plans, 6) protection of groundwater aquifers, and 7) increased protection of river corridors. A number of actions are proposed to accomplish the goals and objectives set forth in the Regional Agenda. Those that are applicable to this protection plan are discussed in Section 4.

In addition, SWGRDC has the authority to review Developments of Regional Impact (DRIs). These are large-scale developments that may have regional effects. The RDCs evaluate the impacts the proposed development may cause, including any natural resource related impacts, and determine if it is compatible with the Regional Agenda. The RDC can then conclude if the development is not in the interest of the area although the local government has the final say as to whether or not a project proceeds. Since Decatur County is not metropolitan it is considered a Tier 2 county.

Examples of projects that would classify as DRIs in Tier 2 counties are housing developments with over 125 new lots and industrial buildings with over 175,000 gross square feet.

Summary Table

<i>Existing Watershed Protection Programs and Measures:</i> <ul style="list-style-type: none"><li>• Developments of Regional Impact (DRI) Reviews</li></ul>
<i>Watershed Protection Opportunities:</i> <ul style="list-style-type: none"><li>• Comprehensive water management planning</li></ul>

### 3.3 Soil Erosion and Sedimentation Control

Although Decatur County adopted a Soil Erosion and Sedimentation Control Ordinance (chapter five of the Decatur County Land Development and Construction Regulation), EPD is the regulatory agent for soil and erosion control for the unincorporated parts of the county. In that role, EPD enforces the general NPDES stormwater permit and GA Erosion and Sedimentation Act of 1975 which the ordinance is based on. They require the application of soil erosion and sedimentation control measures and practices for all land disturbing activity on areas greater than one acre in size. Control measures include using stormwater best management practices (BMPs), minimizing erosion, and leaving intact a 25-foot buffer along the banks of all state waters. This buffer can be thinned once construction is complete but a natural canopy that provides sufficient cover to keep shade on the stream bed is required. Construction on less than one acre but within 200 feet of state waters (excluding intermittent streams and channels that have water in them only during and immediately after rainfall events) also requires a permit.

Land disturbing activities that disturb less than one acre and are not part of a larger development are not subject to this ordinance. If the disturbance is within 200 feet of an intermittent stream or channel that has water in it only during and immediately after rainfall, care must be taken to keep sediment within the boundaries of the property. In addition, any disturbance related to agriculture or forest practices, surface mining, or granite quarrying is exempt.

### 3.4 Floodplain Ordinance

Decatur County adopted a Flood Damage Prevention Ordinance that was recommended by the Georgia Floodplain Management Office for communities participating in the National Flood Insurance Program (NFIP). The ordinance is contained in Appendix B of the Decatur County Land Development and Construction Regulation. The ordinance complies with FEMA's floodplain management regulations as described in 44 Code of Federal Regulations (CFR), Section 60.3. Although its main purpose focuses on public health and safety and minimizing public and private losses from flooding, there are some water quality benefits. Among other provisions, the ordinance is also designed to "control filling, grading, dredging, and other development which may increase flood damage or erosion and control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters" (DNR 2007). These provisions help protect surface waters by minimizing impacts to floodplains. Floodplains are not only important for flood storage but also have terrestrial and aquatic habitat functions and help improve water quality by reducing nutrient input into streams. The only areas of special flood hazard within the assessment area are found along the Flint River.



### 3.5 Environmental Health

Appendix A of the Decatur County Land Development and Construction Regulation contains the public health department rules as they pertain to onsite sewage management systems. These rules are consistent with state regulations for onsite sewage management systems which require a minimum lot size of 65,340 square feet or 1.5 acres for houses with private wells. The Environmental Health Section of the Decatur County Health Department reviews and issues permits for onsite sewage management systems.

## 4 Protection Strategy

A stormwater best management practice, or BMP, is believed to be a “best” way of treating or limiting pollutants in stormwater runoff (Hunt 1999). Structural devices, used to manage and treat pollutant laden runoff, include buffers, detention ponds, stormwater wetlands, and others. Non structural methods include programs, ordinances, and policies in place to prevent pollutants from coming into contact with stormwater runoff. The protection strategy for this assessment area includes a combination of both structural and non-structural BMPs.

### 4.1 Structural BMPs

#### 4.1.1 Detention Ponds

Currently a number of wet detention ponds treat runoff from impervious surfaces within the industrial park. A detention pond retains stormwater runoff during and after storm events and controls both stormwater quantity and quality. The pond’s natural physical, biological, and chemical processes then work to remove pollutants. Sedimentation processes remove particulates, organic matter, and metals (EPA 1999). Phosphorous binds with sediment and therefore is also removed through the sedimentation process. Nitrogen removal is often limited in systems of this type.



Stormwater Wetland

At this time no additional stormwater BMPs are necessary within the assessment area. If the amount of impervious surface increases as a result of new buildings, parking areas, etc. an engineer’s study should be conducted to determine the capacity of the existing ponds to treat the additional runoff. The ponds may be large enough to treat the additional runoff or new measures may be necessary. New stormwater control measures could include additional detention ponds or stormwater wetlands.

Stormwater wetlands are often preferable to traditional detention ponds as they remove a much higher percentage of nitrogen in addition to removing particulates, organic matter, metals and phosphorous through the sedimentation process. Vegetation in the wetland takes up some of the nitrogen and provides a media for

microbes to digest nitrate. However, stormwater wetlands are shallower than detention ponds and as a result require larger land areas for implementation.

#### 4.1.2 Buffers

Buffers help control water temperature, stabilize the streambank, trap sediments and remove pollutants, and serve as aquatic and terrestrial habitat. The River Corridor Protection Plan will help protect buffers along the Flint River within the assessment area and enforcement of this ordinance should be a priority. Although single-family homes are permissible in the buffer zone, soil erosion and sedimentation ordinance requires a 25-foot buffer along all state waters, which includes the Flint River. Although thinning is acceptable in the buffer zone, care should be taken to leave sufficient trees to shade the banks.



#### 4.1.3 Forestry and Agriculture Practices

Forestry BMPs are necessary when clearcutting tracts of land since the cleared land leaves exposed sediment that can runoff into surface water. As described in the watershed assessment, most forestry harvesting consists of select harvesting or removal of mature trees instead of clearcutting therefore there is limited exposure of bare soil. If clearcutting is practiced in the assessment area in the future, appropriate forestry BMPs should be used. The Georgia Forestry Commission (GFC) is tasked with educating the forestry community and promoting the use of forestry BMPs. GFC also monitors BMP implementation and investigates water quality and wetland complaints resulting from forestry practices.

Conservation tillage requires leaving crop residue on the soil surface. This in turn reduces runoff and soil erosion, conserves soil moisture, and improves water quality. This is just one example of an agricultural BMP. Descriptions of other agricultural BMPs, including contour farming, swales, and filter strips, can be found on the NRCS National Conservation Practice Standards website (<http://www.nrcs.usda.gov/Technical/Standards/nhcp.html>).

## **4.2 Programs and Policies**

### **4.2.1 Agriculture Programs**

The Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS) both administer programs in Decatur County that can benefit water quality.

NRCS is in charge of the Environmental Quality Incentives Program (EQIP) which is a “voluntary conservation program for farmers that promotes agricultural production and environmental quality as compatible national goals. EQIP offers financial and technical help to assist eligible participants install or implement structural and management practices on eligible agricultural land” (NRCS 2007). Farmers who participate receive cost share assistance from NRCS to implement the different practices. Within the assessment area there are three EQIP contracts for irrigation water management and two EQIP contracts for conservation tillage (Barbree 2007). Conservation tillage minimizes soil disturbance thereby reducing soil erosion from agriculture fields. Irrigation water management activities may include improvements to irrigation or increasing storage. The activities must result in a net savings of groundwater or surface water resources used by the producer for agricultural operations.

The FSA manages the Conservation Reserve Program (CRP) which is a voluntary program that provides annual rental payments and cost-share assistance for agricultural landowners who establish long-term, resource conserving covers on their land. Four landowners in the assessment area have approximately 5,000 acres of land in CRP. This is almost 14% of the assessment area.

### **4.2.2 Forestry Programs**

The Georgia Forestry Commission in Decatur County addresses water quality issues by promoting participation in two programs, the Southern Pine Beetle Prevention, Restoration, and Suppression (SPBPRS) program and the Forest Stewardship Plan program. The SPBPRS is a cost share program that helps landowners implement various silvicultural practices to prevent the spread of the southern pine beetle. Although this program does not have a specific water quality element, protecting existing forests and encouraging the establishment of new forests will help protect water quality in the watershed. Landowners who participate in the Forest Stewardship Plans program receive professional natural resource consultant services in preparing their plans. Soil and water quality is one of five objectives the landowner can rank. Currently, no landowners participate in these programs within the watershed (Griffith 2007). The agency recommends following BMP practices with any harvesting operation.

### **4.2.3 Ordinances and Regulations**

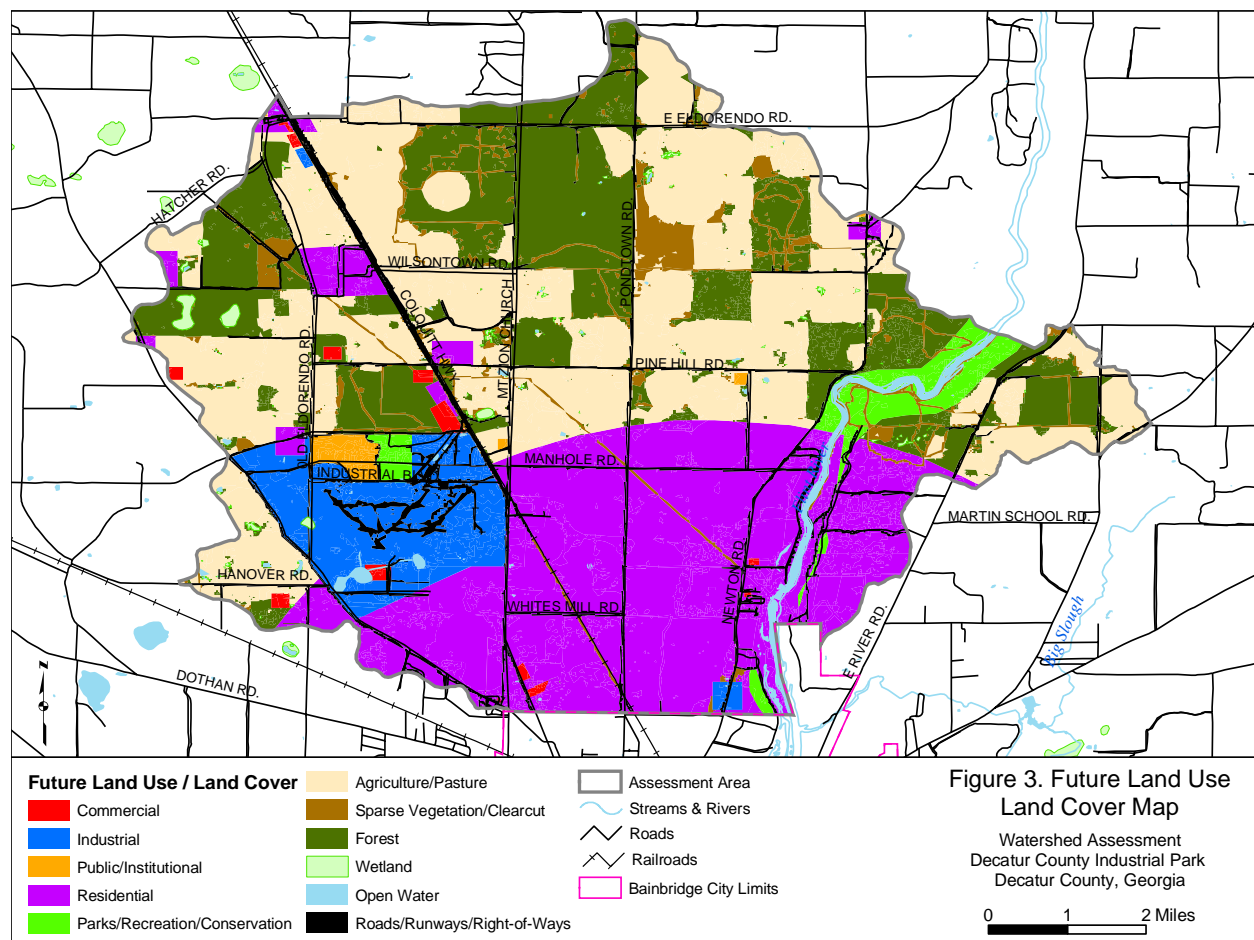
The Decatur County Subdivision Ordinance ensures any development that may occur in the assessment area will be very low density, (1.5-3 acres per dwelling). This means the amount of impervious surfaces will remain low in the watershed and there will be plenty of open space for stormwater infiltration on each lot. The SWGRDC will also ensure any large developments will be reviewed for any impact on natural resources. The River Corridor Protection Ordinance as explained above will help protect narrow buffers along the Flint River. EPD will continue to enforce erosion and sediment control policies through the permitting process and on-site inspections. The Health Department issues permits and performs on-site reviews for new septic tanks to ensure they meet state regulations. Septic tanks treat wastewater Enforcement of these ordinances and

regulations will continue to protect water quality in the assessment area.

#### 4.2.4 Recommended Ordinances and Activities

Adopting a set of zoning regulations would increase the county's ability to protect water quality in the assessment area. Zoning allows the county to determine how and where development should occur. For example, the future land use map shows a swath of open space along the Flint River but the zoning regulations necessary to protect this vital open space do not exist at present (Figure 1). Zoning could also be used to protect prime farmland in the county which was a goal in the comprehensive plan. In addition, zoning regulations could be utilized to direct development away from less suitable areas, such as those with steep slopes, highly erodible soils, or wetlands.

Figure 1. Future Land Use (source: Phase II document "Watershed Assessment Decatur County")



The county should also adopt the groundwater and wetland protection criteria set forth under the rules for environmental planning mentioned in section 3.1. This would help protect wetlands and sinkholes in the assessment area although many are not classified as state waters. Regardless, it is important to protect these areas from degrading sediments or other pollutants that may have adverse effects on groundwater quality when feasible. One way to protect these areas, in addition

to the criteria set forth by the state, is to require a 25-foot buffer around each wetland or sinkhole.

The SWGRDC plans to use education programs as a strategy to achieve the goal of improved water quality is education by promoting awareness of the Clean Water Act with local governments and encouraging the use of the Adopt a Stream program in communities. Although there are no small streams in the assessment area, clean-ups could be organized to clean the banks of the Flint River. The SWGRDC also plans to team with NRCS and Georgia Forestry to promote the use of BMPs (agriculture, forestry, and stormwater) and they have hired an environmental planner to coordinate water resource planning throughout the RDC area.

## **5 Legal Authority**

### **5.1.1 Political Jurisdiction**

Decatur County Board of Commissioners has political jurisdiction over the assessment area watershed. This governing board consists of six elected commissioners. The county administrator Colonel Tom Patton was hired by the commissioners to manage county operations.

### **5.1.2 Responsible Agencies**

Although Decatur County has sole political jurisdiction over the assessment area, there are a number of additional agencies and groups that manage programs there (Table 5.1). The county is responsible for enforcing most of the subdivision, floodplain, and river corridor ordinances and for implementing its land use plan.

The Decatur County Health Department administers septic tank regulations that require on-site review of new septic tanks. EPD, specifically the Southwest District Office, has local issuing authority for soil erosion and sedimentation permits and is in charge of enforcement.

The SWGRDC has the authority to review DRIs and is responsible for assisting the county in developing and updating comprehensive plans. A new comprehensive plan is currently being developed and should be completed by the end of 2007. In addition, SWGRDC now has an environmental planner on staff that can assist the county. NRCS, FSA and GFC all administer conservation programs within the assessment area.

## **6 Funding**

No additional funding is necessary to implement this plan as it is built around the enforcement of preexisting programs and policies. The SWGRDC has \$3,000 in funding to promote the Clean Water Act. NRCS and Georgia Forestry have \$2,000 to promote BMPs and incentive programs. Funding for the incentive programs including EQIP and CRP is provided by NRCS and FSA. The SWGRDC has \$20,000 to assist local governments in adoption and implementation of Environmental Planning Criteria for groundwater recharge areas, wetlands, and protected river corridors as well as \$50,000/yr to have an environmental planner on staff. They also have funds to provide technical assistance for development and implementation of land use plans and regulations. Once regulations are in place, they can be enforced by the county building official.



Table 5.1 Contact Information for Responsible Agencies

Name	Agency	Address	Contact Information
Colonel Tom Patton, Administrator	Decatur County	PO Box 726 Bainbridge, GA 39818	Phone: 229-248-3030 Fax: 229-246-2062 <a href="mailto:tomlpatton@bellsouth.net">tomlpatton@bellsouth.net</a>
Ansley Johnson	Decatur County Health Department, Environmental Health Section	PO Box 417 Bainbridge, GA 39818	Phone: 229-248-3058 Fax: 229-246-4480
Southwest District	Georgia EPD	2024 Newton Road Albany, GA 31701	Phone: 229-430-4144 Fax: 229-430-4259
Paul Forgey, Planning Director	Southwest Georgia Regional Development Center	30 West Broad Street Camilla, GA 31730	Phone: 229-522-3552 Fax: 229-522-3558 <a href="mailto:swgrdc@swgrdc.org">swgrdc@swgrdc.org</a>
Bainbridge Field Office	Natural Resources Conservation Service	1213 Vada Road Bainbridge, GA 39817	Phone: 229-246-8282 ext3
Paul Digby Executive Director	Decatur County Farm Service Agency	1213 Vada Road Bainbridge, GA 39817	Phone: 912-246-5773 Fax: 912-246-9488 <a href="mailto:Paul.Digby@ga.usda.gov">Paul.Digby@ga.usda.gov</a>
John Griffith, County Forester	Georgia Forestry Commission Decatur County Office	1611 Dothan Rd. Bainbridge, GA 39817	Phone: 229-248-2616 Fax: 229-243-6412 <a href="mailto:jgriffith@gfc.state.ga.us">jgriffith@gfc.state.ga.us</a>

## 7 Schedule for Implementation

Enforcing county ordinances and regulations is an ongoing effort undertaken by county officials. Other programs mentioned in this plan that are under the responsibility of other agencies are already being implemented.

## 8 Long Term Monitoring

As discussed in the watershed assessment, the water quality dynamics in the Flint River are affected by river basin scale impacts. The predicted growth in the assessment area is minor and will consist mainly of very low density residential development. No additional monitoring on the Flint River is recommended. The WPCP already monitors its effluent on a regular basis and reports the results to EPD. These results are representative of all of the watershed inputs into the Flint River. In addition, the City of Bainbridge is in the process of completing a watershed assessment that will include sampling on the Flint River. If this future monitoring in Bainbridge indicates a decline in water quality, this recommendation could be reassessed, and a monitoring plan could be implemented.

## 9 Reporting and Conclusion

This watershed protection strategy, approved by the Decatur County Board of Commissioners, calls for the continued implementation of existing programs, enforcement of local ordinances, and cooperation with EPD in order to maintain the existing water quality conditions within the assessment area. These approved actions are outlined in sections 4.1.2, 4.1.3, and 4.2.1-4.2.3.

These measures will help protect the environmentally sensitive areas of the watershed including wetlands and the Flint River. The only threatened and endangered species in the study area are found in the Flint River. While these species may be affected by water quality issues, this is occurring at a regional scale and is beyond the jurisdiction of Decatur County. The study area may contribute a small amount of runoff to the river. The protected river corridor helps reduce this impact.

The County will submit an annual certification of the Watershed Protection Plan each June 30<sup>th</sup>. The certification will document the continued implementation of existing programs and the enforcement of local ordinances. In addition, the County will include a summary of any changes to the Protection Plan. Changes may occur as the County considers the additional actions recommended in section 4.1.1 and 4.2.4 as well as other actions proposed in the County Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED, that Decatur County does hereby adopt this Watershed Protection Plan.

Adopted, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

DECATUR COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Palmer Rich, Chairman

Attest: \_\_\_\_\_  
Beverly King, Clerk

## 10 References

Barbree, Elaine 2007. Email correspondence with Elaine Barbree, Bainbridge Field Office, Natural Resource Conservation Service. May 3, 2007.

DNR 2007. Flood Damage Prevention Ordinance (Riverine Model). Floodplain Management Program of the Georgia Environmental Protection Division, Department Natural Resources. [http://www.gaepd.org/Documents/techguide\\_wpb.html#fpm](http://www.gaepd.org/Documents/techguide_wpb.html#fpm)

EPA 1999. Storm Water Technology Fact: Wet Detention Ponds. United States Environmental Protection Agency, Office of Water. Washington, D.C. EPA 832-F-99-048

EPD 2005. Watershed Assessment and Protection Plan Guidance Phase I-III. Watershed Protection Branch, Environmental Protection Division, Department Natural Resources. [http://www.gaepd.org/Documents/techguide\\_wpb.html#fpm](http://www.gaepd.org/Documents/techguide_wpb.html#fpm)

Hunt, William F. III. 1999. Urban Waterways: Urban Stormwater Structural Best Management Practices (BMPs). NC Cooperative Extension. Raleigh, NC

SWGRDC 2007. Decatur County Joint Comprehensive Plan 2007-2027 for Decatur County and the Cities of Attapulgus, Brinson and Climax. Southwest Georgia Regional Development Center. <http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/currentplans.asp>.

SWGRDC 2005. Regional Agenda and Technical Staff Reports. Southwest Georgia Regional Development Center. <http://www.swgrdc.org/agenda.htm>

Stantec 2005. Watershed Characterization and Monitoring Plan for Decatur County. Prepared for Commissioners of Decatur County September 2005.

Stantec 2007. Watershed Assessment for Decatur County. Prepared for Decatur County February 2007.

Griffith, John 2007. Email correspondence with John Griffith, Decatur County Office, Georgia Forestry Commission. June 27, 2007.



## **Appendix A. Flint River and Spring Creek Corridor Protection Ordinance**

### **Section 8.1. Short Title and Purpose**

- A. This ordinance shall be known as the Flint River and Spring Creek Corridor Protection Plan.
- B. The purpose of this Ordinance is to protect potential public water supplies, to control erosion and pollution and to protect against future flood damage.

### **Section 8.2. Establishment of Protected River Corridor District**

- A. **River Corridor District.** This Ordinance shall apply to all land, inclusive of islands, being within 100 feet horizontally on both sides of the river as measured from the river banks.
- B. **Map.** The generalized corridor map, adopted as part of this Ordinance, shows the general locations of the protected river corridor and said map should be consulted by persons contemplating activities in or near the protected areas. The generalized corridor map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. Said map shall be on file in the office of the Decatur County Building Inspection Department.
- C. **Development Permits Required.** No regulated activity will be allowed within the protected River Corridor Districts without written permission from the Decatur County Building Inspection in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this Ordinance and other applicable regulations.

### **Section 8.3. Definitions**

- A. **"Hazardous waste"** means 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 action, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is the same definition as used in the Georgia Hazardous Waste Management Act.)
- B. **"Land-disturbing activity"** means 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, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.
- C. **"Land uses existing prior to the promulgation of a River Corridor Protection Plan"** means any land use or land-disturbing activity, including all human endeavors 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.
- D. **"Local government"** means the Decatur County Board of County Commission.

E. **"Natural vegetative buffer" or "buffer area"** means 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.

F. **"Perennial river"** means a river or section of a river that flows continuously throughout the year.

G. **"Plan"** or "comprehensive plan" means any plan by the county covering such county 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.

H. **"Port facility"** means any facility for the docking, loading and unloading of ships.

I. **"Protected river"** means any perennial river of watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.

However, those segments of rivers covered by the Metropolitan River Protection Act or the Coastal Marshland Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limit of the jurisdiction of the Coastal Marshlands Protection Act.

J. **"Public utility" or "utilities"** means 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.

K. **"Quadrangle map"** means the most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.

L. **"River bank"** means the rising ground, bordering a river, which services to confine the water to the natural channel during the normal course of flow.

M. **"River corridor"** means all land, inclusive of islands, not regulated under the Metropolitan River Protection Act (OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in 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 local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan.

Because stream 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 local comprehensive plans. 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 times of the next review by the Department of Community Affairs.

N. **"River Corridor Protection Plan"** means that part of the Decatur County Comprehensive Plan which deals with the river corridor protection requirements specified herein.

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 land forms, hydro forms, 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.

P. **"Single-family dwelling"** means a dwelling structure that is designed for the use of one family.

#### **Section 8.4. PERMISSIBLE USES**

A. **Single family dwellings and their usual appurtenances**, within the buffer area subject to the following conditions:

1. The dwelling shall be in compliance with all local zoning regulations.
2. The dwelling shall be located on a tract of land containing at least **two acres**. For the purposes 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 can not be counted towards the two acre minimum size).
3. There shall be only one such dwelling on each two acre or larger tract of land.
4. **A septic tank or tanks** serving such a dwelling may be located within the buffer area.
5. **Septic tank drain field** shall not be located within the buffer area.

B. **Industrial and commercial land uses existing prior** to the promulgation of the River Corridor Protection Plan are exempt from these criteria provided that:

1. Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
2. Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

C. **Road crossings and utility crossings** (meeting all requirements of the Erosion and Sedimentation Control Act of 1975, and of any applicable local ordinance pursuant to).

D. **Timber production and harvesting** subject to the following conditions.

1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
2. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.

- E. **Wildlife and fisheries management activities** consistent with the purposes of Official Code of Georgia Annotated (O.C.G.A.) 12-2-8.
- F. **Waste-water treatment..**
- G. **Recreational usage** consistent with either 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.
- H. **Natural water quality treatment or purification.**
- I. **Agricultural production and management**, subject to the following conditions:
  - 1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
  - 2. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
  - 3. Agricultural activity shall be consistent with State and Federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- J. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

**Section 8.5. PROHIBITED USES. \***

- A. **Handling areas for the receiving and storage of hazardous waste are prohibited** within river corridors. Port facilities are exempt from this criterion provided that:
  - 1. Port facilities shall meet all Federal and State laws and regulations for the handling and transport of hazardous waste.
  - 2. Port facilities handling hazardous waste shall perform their operations on impermeable surfaces having spill and leak protection systems as prescribed by the Department of Natural Resources. (Note: this is the same criterion as set in the Department of Natural Resources Criteria for Water-Supply Watersheds for facilities which handle hazardous materials.)
- B. **Hazardous waste or solid waste landfills** are prohibited within river corridors.
- C. **Industrial and Commercial Uses.**
- D. Other uses unapproved by the county shall not be acceptable within river corridors.
- \* Any use not permitted in the buffer area shall be "set back" at least 100 feet from the river bank.
- E. Local governments may exempt the following from the River Corridor Protection Plans:
  - 1. Land uses existing prior to the promulgation of a River Corridor Protection Plan.
  - 2. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.

3. Utilities, (except as discussed above in Section IV.E) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
  - a. The utilities shall be located as far from the riverbank as reasonably possible;
  - b. 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
  - c. Utilities, forestry and agricultural activities except as discussed above in Sections IV.F.1 and IV.F.6.
- F. The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.
- G. **Except as noted above, all construction within the buffer area shall be prohibited.**

**Section 8.6. Site Plans** Applications for a development permit within the protected River Corridor shall include a site plan, drawn at a scale of 1" = 200 feet, with the following information:

- A. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, vertical scale must be shown on the cross-sectional drawings.
- B. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 100 feet.
- C. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial.
- D. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.
- E. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- F. All proposed temporary disruptions or diversions of local hydrology.

**Section 8.7. Filing Fee**

- A. At the time of the application, the applicant shall pay a filing fee specified by the Decatur County Board of Commissioners.
- B. **Enforcement Authority.** The County Building Inspector is hereby established as the administrator of this Ordinance.
- C. **Review Procedures.** Applications shall be made to the Building Inspector and will be reviewed within 15 days. The review period shall include the preparation of findings (approval or disapproval) by the Building Inspector. The applicant will receive written notification of the findings of the Building Inspector. If the review process is not completed within 15 days, the application is considered to be approved.

D. **Appeals.** Decisions on permit applications made by the Building Inspector may be appealed to the Planning Commission. The appeal must be made within 30 days of the decision rendered by the Building Inspector. A public hearing shall be held for appeals. Public announcement of the hearing shall be printed in local newspapers at least 15 days prior to the hearing. Any person may offer testimony at the hearing. The decision of the Planning Commission may be appealed to a court of competent jurisdiction.

F. **Duration of Permit Validity.**

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve months after the date that work ceased.
3. Written notice of the pending expiration of the development permit shall be issued by the Building Inspector.

**Section 8.8. Monitoring and Enforcement**

- A. The County Building Inspector, agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys, or sampling as the Building Inspector deems necessary.
1. The County Building Inspector shall have authority to enforce this ordinance; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.
  2. County law enforcement officials or other officials having police powers shall have authority to assist the Building Inspector in enforcement.
  3. The Building Inspector shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction.
- B. The Building Inspector may require a bond in an amount of \$10,000 and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of any condition of any such bond, the Building Inspector may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

**Section 8.9. Penalties**

- A. Any person who commits, takes part in, or assists in any violation of any provision of this ordinance may be fined not more than \$ 1000 for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
- B. When a building or other structure has been constructed in violation of this Ordinance, the violator may be required to remove the structure, at the discretion of the County Commission.
- C. When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the County Commission.

- D. **Suspension, Revocation.** The County Commission may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

#### **Section 8.10. Judicial Review**

- A. **Jurisdiction.** All final decisions of the Decatur County Board of Commissioners concerning denial, approval, or conditional approval of a special permit shall be available for review in the Decatur County Superior Court.

#### **Section 8.11. Amendments**

These regulations and the Generalized River Corridor Map may from time to time be amended by the County but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the Planning Commission for review and recommendations. The Planning Commission shall have thirty (30) days within which to make its review and submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed before enacting an amendment to this Ordinance, the County shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be published in a newspaper of general circulation in Decatur County.

#### **Section 8.12. Separability and Abrogation**

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph, or part of this Ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this ordinance.

All ordinances and regulations in conflict with this ordinance as not provided for herein are hereby repealed.

#### **Section 8.13. Effective Date.**

This Ordinance shall be effective as of date of approval.



## **Appendix B. Decatur County Community Agenda and Development Regulation Excerpts**

## Development Strategies & Policies

Policies are adopted to provide ongoing guidance and direction to local officials. They provide a basis for making decisions in implementing the comprehensive plan, including achieving the Community Vision and appropriately addressing the Community Issues and Opportunities.

### Economic Development

#### Overall Goal:

To enhance economic development in Attapulgus, Brinson, Climax and Decatur County with primary emphasis on existing businesses and industries, recruitment of new industry, and continued development of a diversified commercial and industrial mix.

#### Objective 1: Promote retention and expansion of existing business and industry.

- 1.1 Support the existing industry program of the Chamber of Commerce and Development Authority.
- 1.2 Whenever possible provide assistance with financing and other incentives for business expansion.
- 1.3 Actively recruit agribusiness and value-added agribusiness to enhance the County's agricultural base.
- 1.4 Identify and pursue businesses and industries that contribute to the County economy through taxes, local employment, and/or associated commercial and industrial support.

#### Objective 2: Market the County to attract new business and industry.

- 2.1 Maintain an inventory of available industrial sites and buildings.
- 2.2 Maintain and improve industrial parks.
- 2.3 Support Chamber, Development Authority and regional marketing programs.
- 2.4 Participate in the development of an international recruitment strategy.
- 2.5 Continue financial support of economic development programs, including efforts to expand revolving business loan funds.
- 2.6 Continue to maintain close working relationship with statewide development organizations.

#### Objective 3: Improve the quality of the Decatur County workforce.

- 3.1 Support vocational education programs at the secondary and post-secondary level, particularly those at Bainbridge High School and Bainbridge College.
- 3.2 Increase educational levels in the County by expanding adult literacy and dropout prevention programs.
- 3.3 Encourage mentor programs.
- 3.4 Encourage existing business and industry to provide work experience to young people.
- 3.5 Encourage the development of education programs to meet the needs of the diverse population.

*Our vision for Decatur County and its smaller municipalities is to develop and preserve the necessary infrastructure, resources and human capital that will promote managed growth while maintaining the culture of Decatur County.*



**Natural Resources**

**Overall Goal:** To protect, preserve and manage the natural resources of Decatur County;

**Objective 1.** Protect the quality and quantity of surface water resources.

- 1.1 Research the feasibility of adopting comprehensive stormwater management ordinances.
- 1.2 Protect and conserve the natural function of wetlands by ensuring compliance with state and federal regulations.
- 1.3 Utilize natural drainage patterns to the extent feasible in designing drainage systems.
- 1.4 Resist water allocation decisions at the state or federal level which might significantly reduce river flows into Decatur County.
- 1.5 Support efforts to require communities upstream from Decatur County to meet sewer discharge requirements.
- 1.6 Regulate development in floodplains and stormwater management areas.

**Objective 2.** Protect the quality and quantity of groundwater resources.

- 2.1 Limit the density and intensity of land uses in areas identified as significant groundwater recharge areas.
- 2.2 Aggressively enforce regulations pertaining to wells and septic tanks.

**Objective 3.** Protect air quality in Decatur County.

- 3.1 Require all commercial and industrial development to provide evidence of required emission permits prior to issuing local construction permits and/or business licenses.
- 3.2 Protect and expand the existing tree cover throughout the County.
- 3.3 Consider developing a buffer zone along roadways where necessary.

**Objective 4.** Conserve, manage and maintain existing native vegetation and wildlife.

- 4.1 Research the feasibility of adopting comprehensive landscape requirements.
- 4.2 Encourage the inclusion of native forestry in development designs.
- 4.3 Protect the natural function and vegetation of the 100 year floodplain.

**Objective 5.** Reduce soil erosion and sedimentation and limit arbitrary changes of grade and topography.

- 5.1 Research the feasibility of enacting ordinances to control timber harvesting, vegetation clearing and land preparation in areas containing steep slopes.
- 5.2 Enforce soil erosion and sedimentation control ordinances.

**Objective 6.** Assure the proper balance between man's use of land and protection of the natural environment.



- 6.1 Promote public education programs which deal with balancing environmental protection and resource conservation with economic development needs.
- 6.2 Adopt Appropriate Part V Environmental Ordinances

### Facilities and Services

**Overall Goal:** To provide the best possible public facilities to serve the citizens of the County and its municipalities.

- 7.1 Reserve adequate land for future park and recreation needs.
- 7.2 Require open space in subdivision development.
- 7.3 Seek easements to increase public access to scenic areas.
- 7.4 Encourage development of pedestrian facilities where needed.
- 7.5 Promote land conserving development techniques such as "cluster" housing.
- 7.6 Use this comprehensive plan on an on-going basis as a tool in evaluating public facilities and establishing priorities for improvements.
- 7.7 Adopt a 5-year work program for Attapulgus, Brinson, Climax and Decatur County which schedules public facilities improvement projects.
- 7.8 Consider public facility needs in the context of a twenty-year planning period.

### Housing

**Overall Goal:** To promote the orderly development of safe, affordable residential neighborhoods and the preservation/enhancement of existing residential neighborhoods in Decatur County.

- 8.1 Work to establish a housing condition monitoring system.
- 8.2 Enforce the County's building code ordinance.
- 8.3 Recognize selective demolition as a means of stabilizing neighborhoods.
- 8.4 Utilize CDBG and other programs to rehabilitate substandard housing.
- 8.5 Promote adherence to state and federal laws regarding discrimination in housing.
- 8.6 Consider developing procedures for the use of selective demolition as a means of stabilizing neighborhoods.

### Land Use

**Overall Goal:** To minimize the impact of development on the environment, adopt land use regulations that encourage incorporating the existing vegetation and environmental attributes of the land into the development and make the development a part of the environment rather than an encroachment on the environment.

- 9.1 Adopt land use regulations to specifically protect prime agricultural land and limit undesirable development.
- 9.2 Allow design flexibility in residential development.
- 9.3 Promote "mixed use" development allowing housing to be integrated with higher density land uses in activity centers.
- 9.4 Promote "in-fill" of vacant residential property.

*Our vision for Decatur County and its smaller municipalities is to develop and preserve the necessary infrastructure, resources and human capital that will promote managed growth while maintaining the culture of Decatur County.*



9.5 Encourage public and private developers to provide low and moderate income housing through rent assistance programs, government financed home ownership programs and public housing programs.

### **Transportation**

**Overall Goal:** We will maintain and improve all aspects of transportation systems in Decatur County;

**Objective 1:** Improve Decatur County's road network.

- 10.1 Continue to lobby for the completion of four-laning on U.S. 27 along its entire length through the state.
- 10.2 Continue to pave and resurface secondary roads and to maintain bridges.

**Objective 2:** Expand the economic impact of barge traffic into Decatur County.

- 10.3 Take all necessary steps to ensure maintenance of minimum required channel depth for barge transportation.
- 10.4 In conjunction with the Georgia Ports Authority, actively market the Bainbridge dock facilities.

**Objective 3:** Efficiently and safely utilize airport facilities.

- 10.5 Ensure capability to fully service all types of general and corporate aviation.
- 10.6 Utilize proximity to the Tallahassee Airport as an economic development marketing tool.
- 10.7 Seek additional use of air facility by corporate and commercial customers.

### **Intergovernmental Coordination**

- 11.1 We will seek opportunities to share services and facilities with neighboring jurisdictions when mutually beneficial.
- 11.2 We will work jointly with neighboring jurisdictions on developing solutions for shared regional issues (such as growth management, watershed protection, transportation and public safety).
- 11.3 We will pursue joint processes for collaborative planning and decision-making with neighboring jurisdictions
- 11.4 We will consult other public entities in our area when making decisions that are likely to impact them.
- 11.5 We will provide input to other public entities in our area when they are making decision that are likely to have an impact on our community or our plans for future development.



## **ARTICLE V. APPLICATION OF RESOLUTION**

**Section 1.5-1** This Resolution sets forth standards which apply to any person engaged in the development or alteration of land, specifically including, 1) the subdivision of land 2) the placement of manufactured homes on individual residential lots, 3) the development of and/or placement of manufactured homes in manufactured home rental communities, 4) the development of multi-family housing complexes, including multi-unit apartments, townhouses, and condominiums, 5) land disturbing activities which have a potential of causing soil erosion and/or sedimentation, impacting Waters of the State, or impacting State Jurisdictional Wetlands, 6) acquisition of permits and inspection of construction to enforce adopted building codes 7) the abatement of nuisances and 8) construction of on site water supplies and on site sewage disposal systems, 9) development in flood plains and includes the appropriate fee schedules for such activities.

The requirements of this Resolution are declared to be minimum requirements and shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner any easements, covenants or other agreements between parties. However, whenever the provisions of this Resolution impose greater restrictions upon the use of land or buildings than the provisions of other ordinances, rules, regulations, permits or any easements, covenants or other agreements between parties, the provisions of this Resolution shall govern.

## **ARTICLE VI. AMENDMENT**

**Section 1.6-1** These Land Development Regulations may be amended to increase the effectiveness of the Regulations. Amendments may be initiated by the County Commission or the Decatur County Planning Commission, but all amendments must be considered by the Planning Commission and forwarded to the County Commission for public hearing, with reasonable notice given to the public.

## **ARTICLE VII. VALIDITY**

**Section 1.7-1** Should any section, or provisions of this Resolution be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

## **ARTICLE VIII. LIABILITY**

**Section 1.8-1** Neither the approval of a plan under the specific provisions of these Regulations, nor the compliance with the provisions of these Regulations shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon Decatur County, Georgia or the Decatur County Planning Commission for damage to any person or property.

## **ARTICLE IX. VIOLATIONS**

**Section 1.9-1 VIOLATIONS.** Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of these Regulations shall be guilty of violating a duly adopted Ordinance of the County and shall be punished either by a fine not to exceed \$500.00, or by imprisonment not to exceed 60 days, or both. The owner of any lands or parts thereof, where anything in violation of these Regulations shall be placed or shall exist, and each responsible party or other person assisting in the commission of any such violation, shall be guilty of a separate offense.

**Section 1.9-2 SEPARATE OFFENSE.** Each and every day's violation of any provision of this Resolution shall constitute a separate offense.

- (2) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County.

- ff. Subdivision, Minor.** Administrative subdivisions defined as: (1) The subdivision of a tract of land into not more than five (5) lots, one of which is less than twenty-five (25) acres, for which there are no roadway, drainage, or other required improvements; where each lot has frontage on a maintained public street; where there is adequate provision for potable water supply and waste-water management for each lot; and where the resultant lots comply with the standards of these regulations.
- gg. Travel Trailer Park.** A parcel or area of land designed and equipped to accommodate travel trailers for short periods of time, not to exceed twenty-nine (29) days.
- hh. Usable Area.** The net usable portion of a lot, tract, or stand, not including any additional property within the legal boundaries of the parcel which by virtue of permanent or seasonal inundation by surface water, crossing by rights of way or easements, steep slopes, and the like, is not suitable for the construction of habitable structures or drain fields.
- ii. Wetlands.** Those areas that are inundated or saturated by surface or ground water 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.

## ARTICLE II. GENERAL REQUIREMENTS

**Section 2.2-1 PLAT REQUIRED.** No person shall subdivide land within Decatur County before the filing of and approval by the Decatur County Planning Commission of preliminary and final plats, as may be required by these Regulations. All plats of subdivisions within the County shall be signed by the Planning Commission prior to recording in accordance with O.C.G.A 15-6-67.

**Section 2.2-2 PUBLIC OR PRIVATE STREET ACCESS.** No residential lot shall be sold or any building erected on any such lot within the unincorporated area of Decatur County unless the street providing the required frontage thereto has been accepted as a public street or unless such street was developed as a private street prior to July 1, 1989 and the adoption of the County's Land Development Regulations, and unless the frontage is provided on a private street recommended by the Decatur County Planning Commission and approved by the Decatur County Board of Commissioners after the date of the adoption of this resolution.

**Section 2.2-3 CONFORMANCE TO STANDARDS FOR STREETS AND UTILITIES.** All roads, streets, and/or alleys that are to be used by the general public shall be constructed in accordance with the standards fixed by these Regulations. No road shall be accepted for County maintenance unless the provisions of these Regulations have been met. Official approval of a developer's plan constitutes no implied responsibility on the County for any assistance in construction, either in materials or labor or equipment, this being the responsibility of the developer. Specifically, the developer will remove or have removed at his own cost, all utility lines and poles, install required drainage facilities, install all culverts for access to abutting property, construct the roadway and improve the entire right-of-way.

**Section 2.2-4 CONFORMANCE TO STANDARDS FOR PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION.** The developer, in so far as such regulations may pertain to his particular project, is responsible for meeting all applicable Federal, State, and County regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, and impacts on wetlands and waters of the State.

**Section 2.2-5 PLANNED UNIT DEVELOPMENT/GROUP DEVELOPMENT.** A developer may submit an application for a planned unit development in lieu of the regular subdivision review process, otherwise the procedures and standards contained in this Regulation shall apply to all such developments.

**Section 2.2-6 SUITABILITY OF LAND.** Land which the Planning Commission finds to be unsuitable for subdivision development due to flooding, improper drainage, topography, utility easement or other features shall not be subdivided unless adequate provisions are made for the development.

**Section 2.2-7 ONE PRINCIPAL BUILDING PER LOT.** Except as where provided herein, there shall be no more than one principal building, structure or use upon any lot providing a minimum of 65,340 square feet other than within a commercial, industrial development, manufactured home park or migrant/seasonal farm tenant development. A principal building, structure or use is the predominant or primary use of any lot.

**Section 2.2-8 PROVISION FOR MIGRANT/SEASONAL FARM TENANT RESIDENCES** Migrant/Seasonal Farm Tenant Residences: Single or multi-family residence structures including duplexes, triplexes, quadruplexes, townhomes or dormitories shall be allowed on any working farm parcel of land under single ownership that is twenty-five acres or greater. The following shall govern this use:

- a. Each single family non-principal residential use shall occupy a land area not less than 65,340 square feet unless community water or sewer systems is provided. Each multi-family development excepting the dormitory style building shall meet the requirements of ARTICLE IV Design Standards, Section 4.4-1 Allowable Development Density. Dormitory style buildings shall meet the land requirements as deemed necessary by the Decatur County Health Department.



- l. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. **The Flood Insurance Rate Map (FIRM)** map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.
- m. Soil characteristics. Where the proposed subdivision is not to be served by a public or community sewage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer. \* This information should be superimposed on a copy of the plat showing contour lines and other natural features of the site.  
\*A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the County Health Department, a medium intensity survey may be adequate for some areas of the County.
- n. Location of all water supplies on or off the subdivision that will bear upon the location of the on-site sewage management systems. The location of any wells located on adjoining land within one hundred 100 feet of the subject property line should be identified on the plat.
- o. Generalized plans for storm water management, including the proposed location of drainage ways, basins, and other improvements.
- p. A copy of a Natural Resource and Conservation Service (NRCS previously SCS) approved Land Disturbing Permit and an approved plan for the control of erosion and sedimentation if required.
- q. Draft of proposed restrictive covenants, if any, to be imposed, and designation of areas subject to special restrictions.
- r. Note "**NOT FOR RECORDING**" to be affixed on preliminary plat.
- s. Certification of a State of Georgia Registered land surveyor as to the accuracy of the plat. The surveyor's seal shall be embossed upon the plat.
- t. Wording as prescribed in Sections 2.3-4 and 2.3-5 for the signatures of the County Health Official and the Planning Commission.
- u. Any subdivision located on a State highway must submit three (3) copies of preliminary plat to the Georgia DOT for review. A letter of recommendation from DOT should be presented to the Planning Commission prior to preliminary plat approval.
- v. Additional right-of-way shall be dedicated if needed to meet minimum street requirements.

**Section 2.3-4 REVIEW AND APPROVAL BY THE COUNTY HEALTH DEPARTMENT.** The Decatur County Department of Health shall review the proposed subdivision for conformance with all applicable health and environmental standards falling within its regulatory jurisdiction.

- a. **Individual wells and on site sewage disposal systems:** If, in its judgment, the subdivision, or phase of the subdivision submitted for review, will meet the requirements of Chapter 290-5-26 and Rule III Addendum, the following shall be inscribed on 1) a copy of the preliminary plat showing the characteristics of soils found within the boundaries of the development, and 2) an original signed copy of the preliminary plat for transmittal to the Planning Commission:

## APPENDIX D

### FINAL PLAT CHECKLIST

- \_\_\_\_\_ a. Proposed subdivision name or identifying title and total acres.
- \_\_\_\_\_ b. Primary control points and benchmarks with necessary descriptions and location of such control points, including all dimensions, angles, bearings, and similar data necessary for proper locations.
- \_\_\_\_\_ c. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves.
- \_\_\_\_\_ d. Street names, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of all curves.
- \_\_\_\_\_ e. Location, dimensions, and purposes of any easements shall be drawn on the plat. Where roads are proposed, utility easements and setback should be shown on all sides of the road.
- \_\_\_\_\_ f. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- \_\_\_\_\_ g. Purpose for which sites other than residential lots, are dedicated or reserved.
- \_\_\_\_\_ h. Minimum building setback lines on all lots and other sites.
- \_\_\_\_\_ i. Location and description of monuments.
- \_\_\_\_\_ j. Names of owners of adjacent land.
- \_\_\_\_\_ k. Reference to be recorded on subdivision plats of adjoining platted land by recorded names, date, and number.
- \_\_\_\_\_ l. Certification by registered surveyor to accuracy of survey and plat. The surveyor's professional seal shall be embossed on the plat.
- \_\_\_\_\_ m. Declaration of land ownership.
- \_\_\_\_\_ n. Title, numerical scale, graphic scale, north arrow, total project acreage, and date.
- \_\_\_\_\_ o. A vicinity map at a scale of not less than one inch equals two miles, showing the location of the proposed subdivision.
- \_\_\_\_\_ p. Delineation of all areas of the proposed subdivisions which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands. The Flood Insurance Rate Map (FIRM) map number and panel as well as the type of flood zone should be inscribed on the plat if a property is located in a flood zone.

**Section 3.4-5 SUITABILITY OF LAND.** Land which the Planning Commission finds to be unsuitable for a manufactured home rental community development due to flooding, improper drainage, topography, utility easement or other features shall not be developed unless adequate provision can be made for correcting any unsuitable conditions.

**Section 3.4-6 EXPANSION OF EXISTING MANUFACTURED HOME RENTAL COMMUNITIES.** A person, firm, or corporation desiring to expand an existing manufactured home rental community to include more manufactured home sites than are accommodated within such development at the time this Regulation is adopted shall submit plans and specifications for such improvements to the Decatur County Planning Commission for approval prior to initiating construction and improvements. Improvements, reconstruction and redesign of existing developments required by the Planning Commission, shall conform to these Regulations and shall be limited to those necessary to make access, utility service and design of both old and new portion of the development compatible. All expansions of Manufactured Home Parks shall meet the requirements of the Decatur County Health Department.

**Section 3.4-7 CONFORMANCE TO STANDARDS FOR PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION.** The developer, insofar as such regulations may pertain to his particular project, is responsible for meeting all applicable Federal, State, and County regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, mosquito control, and impacts on wetlands and waters of the State.

**Section 3.4-8 VARIANCE PROCEDURE.** Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Resolution would cause an unnecessary hardship, the Planning Commission may authorize a variance, if such variance can be made without destroying the intent of the Manufactured Home and Travel Trailer Regulations. Variances must be entered in writing in the minutes of the Planning Commission and the reason for said variance set forth.

**Section 3.4-9 HARDSHIP MOBILE HOME/TRAVEL TRAILER VARIANCE.** The Planning Commission may approve the placement of one hardship (1) manufactured home or travel trailer on an occupied residential lot if it is established that a genuine hardship exists only by reason of medical disability or age and the following criteria are met:

- a. The subject occupant of the manufactured home or travel trailer is a relative by blood or marriage of the owner of the property, and
- b. Documentation of medical disability or age infirmity is certified by a medical doctor's statement, which will be valid for a one-(1) year period. If an extension is needed after one year, a new application for a hardship variance shall be submitted, and See Addendum VI
- c. Said manufactured home or travel trailer shall be removed from the premises within sixty (60) days when the specified disability ceases to exist, and
- d. Under no circumstances shall the manufactured home or travel trailer be rented or otherwise occupied by anyone other than the approved applicant, nor shall it be used for storage, or other similar uses, and
- e. The Decatur County Health Department approves the temporary placement of a second dwelling on the proposed property, and
- f. The Planning Commission may impose reasonable requirements, which would effect the interest of the public health, safety and general welfare.

- c. The names of all owners of all land adjacent to the proposed development.
- d. A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed development.
- e. Street names right-of-way and roadway width data for any adjacent public streets and all private streets to be included in the development.
- f. Location of utilities, and other types of easements.
- g. Stand boundary lines, stand numbers (consecutively numbered or lettered), stand sizes, areas reserved for common use, etc.
- h. Topographic maps of all land to be developed, with a two (2) foot contour interval, or where deemed appropriate by the Planning Commission, a one (1) foot contour interval superimposed on the plat.
- i. Minimum stand setback lines.
- j. Numerical scale, graphic scale, north arrow, and data.
- k. All elevations shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7 1/2 in. quad sheets and it shall be so stated on the plat.
- l. Delineation of all areas of the proposed development which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or State jurisdictional wetlands and identification of panel numbers from appropriate flood boundary maps.
- m. Soil characteristics. Where the proposed development is not to be served by a public or community sewerage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer.\*

\* A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the County Health Department, a medium intensity survey may be adequate for some areas of the County.

This information should be superimposed on a copy of the plat showing topographic contour lines at two foot intervals and other natural features of the site.

- n. Location of all water supplies on or off the development that will bear upon the location of the on-site sewage management systems.
- o. Generalized plans for storm water management, including the proposed location of drainage ways, basins, and other improvements.
- p. A Natural Resource and Conservation Service approved plan for control of erosion and sedimentation.
- q. Draft of proposed restrictive lease agreements or covenants, if any, to be imposed, and designation of areas subject to special restrictions.

**Section 4.2-7 CONFORMANCE TO STANDARDS FOR PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION.** The developer, insofar as such regulations may pertain to his particular project, is responsible for meeting all applicable Federal, State, and County regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, mosquito control, and impacts on wetlands and waters of the State.

**Section 4.2-8 VARIANCE PROCEDURE.** Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Resolution would cause an unnecessary hardship, the Planning Commission may authorize a variance, if such variance can be made without destroying the intent of the Multi-family Housing Regulations. Variances must be entered in writing in the minutes of the Planning Commission and the reason for said variance set forth.

### **ARTICLE III MULTI-FAMILY HOUSING REVIEW PROCEDURE AND REQUIREMENTS**

**Section 4.3-1 REVIEW AND APPROVAL OF PLATS.** The submission, distribution, review and approval of preliminary and final plats for proposed new or expanded multi-family residential developments shall be conducted in accordance with the provisions of Article III of the Decatur County Subdivision Regulations. Preliminary and final plans shall conform to the requirements set out in Article V of the Decatur County Manufactured Home and Travel Trailer Regulations except that where these requirements call for specific information about manufactured housing stands, information on the number and configuration of multi-family dwellings shall be provided, in its place.

### **ARTICLE IV DESIGN STANDARDS**

**Section 4.4-1 ALLOWABLE DEVELOPMENT DENSITY.** In keeping with the County's goal of providing a wide range of affordable housing types, these Regulations provide for the development of different housing types at varying densities. Although development at urban densities (greater than 12 units/acre) is not seen as desirable in the unincorporated county, a wide range of lower allowable densities is provided. A major limitation on density, independent of dwelling type, is the availability of water and sanitary sewer service. Without community water and sewage treatment systems, County Health Department regulations (Rule III) require that all dwellings using both individual wells and septic tanks shall have usable lot areas of at least 65,340 square feet. Table 4.1 lists allowable densities and minimum lot sizes by housing type and available utilities. (For comparison, see also Table 3.2 that lists allowable densities and lot sizes for manufactured housing.) In addition, any bunk style temporary or permanent housing must also meet the density requirements of the Decatur County Department of Health.

**Section 4.4-2 INTERIOR ACCESS.** All streets and parking areas within a multi-family rental or condominium apartment development shall be privately owned, constructed, and maintained. Such private streets shall be well drained, provided with a minimum hard surface of fourteen (14) feet for one-way streets, and twenty (20) feet for two-way streets, with on street parking prohibited, and meeting the standards established by the governing authority.

**Section 4.4-3 PARKING.** Each multi-family dwelling unit shall be provided with a minimum of two (2) off-street parking spaces. Parking on the interior streets within a development is hereby prohibited.

**Section 4.4-4 UTILITY PLACEMENT.** All water, sewer, or gas lines shall be buried a minimum of twelve (12) inches below the finished ground surface of the development and shall be provided with an adequate valve system to allow the cutoff of utility service to each individual dwelling unit and at the entrance of the utility system into the development. If overhead lines are provided within the development such lines shall be a minimum of fifteen (15) feet above the grade of the interior streets and so placed that no wires extend over individual dwelling units.

- z. Sedimentation: The process by which eroded material is transported and deposited by the action of the water, wind, ice or gravity.
- aa. Soil and Water Conservation District Approved Plan. An erosion and sedimentation control plan approved by the Flint River Soil and Water Conservation District.
- bb. Stabilization: The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- cc. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- dd. Structural Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, levels spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc. Such measures can be found in the publication Manual for Erosion and Sedimentation Controls in Georgia.
- ee. Trout Streams: All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 12-5-20 et. seq. Streams designated as primary trout water are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.
- ff. Vegetative Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by covering the soil with:
  - A. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
  - B. Temporary seeding, producing short-term vegetative cover; or
  - C. Sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication Manual for Erosion and Sedimentation Control in Georgia.
- gg. Watercourse: Any natural or artificial watercourse, stream, river, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- hh. Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration of 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.