

ALLEGHANY COUNTY

WATER SUPPLY WATERSHED MANAGEMENT & PROTECTION ORDINANCE

REVISED DECEMBER 1, 1997

**ALLEGHANY COUNTY
WATERSHED PROTECTION ORDINANCE**

ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS

Section 101. Authority and Enactment

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of Alleghany County does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Alleghany County. 1

Section 102. Jurisdiction

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Alleghany County, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Alleghany County Clerk. 2

Section 103. Exceptions to Applicability

(A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Alleghany County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Alleghany County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provision of these regulations shall control.

(C) Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(D) If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single-family residential purposes. Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation. Any lot or parcel created

as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable. 3

Section 104: Repeal of Existing Watershed Ordinance

This ordinance in part carries forward by re-enactment, some of the Watershed Ordinance of Alleghany County, North Carolina (adopted by the Board of Commissioners on December 28th, 1993), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Watershed Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing Watershed Protection Ordinance, prosecutions for which have not yet been instituted, may be here after filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 105: Criminal Penalties

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

Section 106: Remedies

(A) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Alleghany County Governing Board may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$50.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess Civil penalties in accordance with G.S. 143-2 15.6(a). Each day that the violation continues shall constitute a separate offense.

(B) If the Building Inspector/Review Officer finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He/she shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Building Inspector/Review Officer is questioned, the aggrieved party or parties may appeal such ruling to the Alleghany Board of Commissioners.

Section 107. Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not effect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 108. Effective Date

This Ordinance was approved on December 28, 1993 and shall take effect and be in force on December 31, 1993. This Ordinance was amended on December 1, 1997 and shall take effect and be in force on December 1, 1997. 4

ARTICLE 200: SUBDIVISION REGULATIONS

NOTE: Provisions in this Article are derived in part from statutory authority Chapter 153A, Article 18, Part 2.

Section 201. General Provisions

(A) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.

(B) The approval of a plat does not constitute or effect the acceptance by Allegheny County or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.

(C) All subdivisions within public water supply watersheds shall conform with the mapping requirements contained in G.S. 47-30.

(D) All subdivisions of land within public water supply watershed falling under the jurisdiction of Allegheny County after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.5

Section 202. Subdivision Application and Review Procedures

(A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a mylar map to the Review Officer to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance. In addition, subdivisions within a *WS-IV* watershed are subject to the provisions of this ordinance only when an erosion and sedimentation plan is required under the provisions of State law, or approved local program. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.

(B) Subdivision applications shall be filed with the Review Officer. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Review Officer or the Allegheny County Board of Commissioners (see Appendix A).

(C) The Review Officer shall review the completed application and shall either approve, approve conditionally or disapprove each application. The Review Officer shall take final action within

two regularly scheduled meetings of submission of the application. The Review Officer or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

- (1) The district highway engineer with regard to proposed streets and highways.
- (2) The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department.
- (3) The State Division of Environmental Management with regard to proposed sewer systems normally approved by the Division, engineered storm-water controls or storm-water management in genera.
- (4) Any other agency or official designed by the Building Inspector or Alleghany Board of Commissioners.

(D) If the Review Officer approves the application, such approval shall be indicted on both copies of the plat by the following certificate and signed by the Review Officer:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Review Officer for recording in the Register of Deeds Office.

Date

Review Officer

NOTICE: This property is located within a Public Water Supply Watershed development restrictions may apply.

(E) If the Review Officer disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.

(F) All subdivision plats shall comply with the requirements for recording of the County Register of Deeds.

(G) The subdivider shall provide the Review Officer with evidence the plat has been recorded with the Register of Deeds within five (5) working days.

Section 203. Subdivision Standards and Required Improvements

(A) AU lots shall provide adequate building space in accordance with the development standards contained in Article 300. Lots which are smaller than the minimum may be developed using built-upon area criteria in accordance with Section 302.

(B) For the purpose of calculating built-upon area, total project area shall include total

acreage in the tract on which the project is to be developed.

(C) Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm-water drainage. The subdivider shall provide a drainage system that diverts storm water runoff away from surface waters and incorporates best management practices to minimize water quality impacts.

(D) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the [local agency administering a Sedimentation and Erosion Control Ordinance approved by the N.C. Division of Land Quality].

(E) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.⁶

Section 204. Construction Procedures

(A) No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved by the Review Officer.

(B) No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Review Officer to provide for adequate inspection.

Section 205. Penalties for Transferring Lots in Unapproved Subdivisions

Any person who, being the owner or agent of the owner of any land located within a public water supply watershed falling within the jurisdiction of Alleghany County, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. Alleghany County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

ARTICLE 300: EMPLOYMENT REGULATIONS

Section 301. Establishment of Watershed Areas

The purpose of this Article is to list and describe the watershed areas herein adopted.⁷

For purposes of this ordinance the county is hereby divided into the following areas, as appropriate:

WS-II-BW (BALANCE OF WATERSHED)

Section 302. Watershed Areas Described

(A) WS-II Watershed Areas -Balance of Watershed (WS-II-BW). In order to maintain a predominantly undeveloped land use intensity, single family residential uses shall be allowed at a maximum of one dwelling unit per acre (1 du/ac). All other residential and non-residential development shall be allowed a maximum of twelve percent built-upon area. In addition, new development may occupy ten percent (10%) of the watershed area which is outside the critical area, with a seventy percent (70%) built-upon area when approved as a special intensity allocation (SIA). The Building Inspector is authorized to approve SIAs consistent with the provisions of this ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and residuals application sites are owed.⁸

(High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these facilities will rest with the local government.)

(1) Allowed Uses:

(a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.⁹

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(c) Residential development.

(d) Non-residential development excluding discharging landfills.

(2) Density and Built-Upon Limits:

(a) Single Family Residential development shall not exceed one dwelling unit per acre (1 du/ac) on a project by project basis. No residential lot shall be less than one acre (or 40,000 square feet excluding roadway right-of-way), except within an approved cluster development.

(b) All Other Residential and Non-Residential development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed at up to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

Section 303. Cluster Development

Cluster development is allowed in all Watershed Areas [except WS-I] under the following conditions:

(A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached development in Section 302. Density or built-upon area for the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

(B) All built-upon area shall be designed and located to minimize storm-water runoff impact to the receiving waters and minimize concentrated storm-water flow.

(C) The remainder of the tract shall remain in a vegetated or natural state. Title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 304. Buffer Areas Required

(A) A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

(B) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious area, and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm-water Best Management Practices.

Section 305. Rules Governing the Interpretation of Watershed Area Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

(A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

(B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to Alleghany County as evidence that one or more properties along these boundaries do not lie within the watershed area.

(C) Where the watershed area boundaries lie at a scaled distance more than twenty-five (25)

feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map. 10

(D) Where the watershed area boundaries lie at a scaled distance of twenty-five(25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. These decisions may be appealed to the Alleghany Board of Commissioners.

Section 306. Application of Regulations

(A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

(B) No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.

(C) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

Section 307. Existing Development

Existing development as defined in this ordinance, may be continue and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance; however, the built-upon area of the existing development is not required to be included in the built-upon area calculations. 11

(A) Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

(1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

(2) Such use of land shall be changed only to an allowed use.

(3) When such use ceases for a period of at least one year, it shall not be reestablished.

(B) Reconstruction of Buildings or Built-Upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions in single family residential development, provided:

(1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

(2) The total amount of space devoted to built-upon area may not be increased unless storm-water control that equals or exceeds the previous development is provided.

Section 308. Watershed Protection Permit

(A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Building Inspector. No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.

(B) Watershed Protection Permit applications shall be filed with the Building Inspector. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Building Inspector.

(C) Prior to issuance of a Watershed Protection Permit, the Building Inspector may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.

(D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

Section 309. Building Permit Required

No permit required under the North Carolina Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

Section 310. Watershed Protection Occupancy Permit

(A) The Building Inspector shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

(B) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied with ten (10) days after erection or structural alterations of the building.

(C) When only a change in use of land or existing building occurs, the Building Inspector shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met coincident with the Watershed Protection Permit.

(D) If the Watershed Protection Occupancy Permit is denied, the Building Inspector shall notify the applicant in writing stating the reasons for denial.

(E) No building or structure which has been erected, moved or structurally altered may be occupied until the Building inspector has approved and issued a Watershed Protection Occupancy Permit.

ARTICLE 400: PUBLIC HEALTH REGULATIONS

Section 401. Public Health, in General

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of storm-water runoff; or any other situation found to pose a threat to water quality.

Section 402. Abatement

(A) The Building Inspector shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(B) The Building Inspector shall report all findings to the Allegheny Board of Commissioners. The Building Inspector may consult with any public agency or official and request recommendations.

(C) Where the Allegheny Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 501. Building Inspector/Review Officer and Duties Thereof

Allegheny County shall appoint a Building Inspector/Review Officer, who shall be duly sworn in. It shall be the duty of these people to administer and enforce the provisions of this ordinance as follows:

(A) The Building Inspector shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Building Inspector

(B) The Building Inspector/Review Officer shall serve as staff on Watershed matters to the Allegheny Board of Commissioners.

(C) The Building Inspector, Review Officer, and Administration Office shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Water Quality Section of the Division of Environmental Management.

(D) The Building Inspector shall keep records of the jurisdiction's use of the provision that a maximum of ten percent (10%) of the non-critical area of WS-II-BW watersheds and, for local governments that do not choose to incorporate the high density option, ten percent (10%) of the protected area of WS-IV watersheds may be developed with new development at a maximum of seventy percent (70) % built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information; location, number of developed acres, type of land use, and storm-water management plan (if applicable).

(E) The Building Inspector/Review Officer is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of Allegheny County. The Building Inspector, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

(F) The Building Inspector, Review Officer, and Administration Office shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1 of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Section 502. Appeal From the Building Inspector/Review Officer

Any order, requirement, decision or determination made by the Building Inspector/Review Officer may be appealed to and decided by the Allegheny Board of Commissioners.

An appeal from a decision of the Building Inspector/Review Officer must be submitted to the Allegheny Board of Commissioners within thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Building Inspector/Review Officer shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts state in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

Section 503. Changes and Amendments to the Watershed Protection Ordinance

(A) The Alleghany Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

(B) No action shall be taken until the proposal has been submitted to the Alleghany Board of Commissioners for review.

(C) Under no circumstances shall the Alleghany County Board adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. **All amendments must be filed with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.**

Section 504. Public Notice and Hearing Required

Before adopting or amending this ordinance, the Alleghany Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date set for the hearing.

Section 505. Establishment of Watershed Review Board

(A) The Alleghany County Board of Commissioners shall act as the Watershed Review Board on all subdivision regulation and zoning ordinance matters.

Section 506. Rules of Conduct for Members

Members of the Board may be removed for cause, including violation of the rules stated below:

(A) No Board member shall take part in the hearing, consideration, determination of any case in which he is personally or financially interested. A Board member shall have a "financial interest" in a case when a decision in the case will: 1) cause him or his spouse to experience a direct financial benefit or loss, or 2) will cause a business in which he or his spouse owns a 10 per cent or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or Loss. A Board member shall have a "personal interest" in a case when it involves a member of his immediate family (i.e., parent, spouse, or child).¹⁴

(B) No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive an/or seek information pertaining to the case from the Building Inspector/Review Officer or any other member of the Board, its secretary or clerk prior to the hearing.

(C) Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.

(D) Members of the Board shall give notice to the chair at least forty-eight (48) hours prior to

the hearing of any potential conflict of interest which he has in a particular case before the Board.

(E) No Board member shall vote on any matter that decides an application or appeal unless he had attended the public hearing on that application or appeal.

Section 507. Powers and Duties

(A) Administrative Review. The Allegheny Board of Commissioners shall hear and decide appeals from any decision or determination made by the Building Inspector in the enforcement of this ordinance.

(B) Variances. 15 The Allegheny Board of Commissioners shall have the power to authorize, in specific cases, minor variances from the terms of this ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Allegheny County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Building Inspector/Review Officer and shall include the following information:

(a) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Allegheny Board of Commissioners in considering the application.

(c) The Building Inspector/Review Officer shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Building Inspector/Review Officer prior to a decision by the Allegheny Board of Commissioners. Such comments shall become a part of the record of proceedings of the Allegheny Board of Commissioners.

(2) Before the Allegheny Board of Commissioners may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

(a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(1) If he complies with the provisions of the ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would

permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the ordinance that will make possible the reasonable use of his property.

(2) The hardship results from the application of the ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the ordinance, or who purchases the property after the effective date of the ordinance, and then comes to the Board for relief.

(5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(b) The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit

(c) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

(3) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with approved site plan.

(4) The Alleghany Board of Commissioners shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

(5) A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

(6) If the application calls for the granting of a major variance, and if the Alleghany Board of Commissioners decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) The hearing notices;
- (c) The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions;
- (f) The proposed decision, including all conditions proposed to be added to the

permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Allegheny Board of Commissioners. If the Commission approves the variance as proposed, the Board shall approve the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Allegheny Board of Commissioners. The Board shall prepare a final decision denying the variance as proposed.

(C) Subdivision approval. See Article 200.

(D) Public Health. See Article 400.

Section 508. Appeals from the Allegheny County Board of Commissioners

Appeals from the Allegheny Board of Commissioners must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.

ARTICLE 600: DEFINITIONS

Section 601. General Definitions

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetation through which storm-water runoff flows in a diffuse manner so that the runoff does not become channelized which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal **pool elevation** of impounded

structures and from the bank of each side of streams or rivers.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other structure, with or without a roof, shall not be deemed to make them one building.

Building Inspector. An official or designated person of Alleghany County responsible for administration and enforcement of this ordinance.

Built-Upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development. Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing storm-water runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Customary Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream and which requires a National Pollution Discharge Elimination System (NPDES) permit.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one family.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

(1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

(2) Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153-A-344.1 and G.S. 160A-384.1), or

(3) Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or development any product or commodity.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance. A variance from the minimum statewide water supply watershed protection rules that results in any one or more of the following:

1) the relaxation, by a factor greater than ten (10) percent, of any management requirement that takes the form of a numerical standard.

Minor Variance. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low

density option.

Non-conforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

Non-residential Development. All development other than residential development, agriculture and silviculture.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or the ridgeline of the watershed.

Review Officer. An official or designated person of Allegheny County responsible for administration and enforcement of this ordinance.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plan or air pollution control facility permitted under the authority of the Environmental Management Commission.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards

of this ordinance;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;

(5) The division of a tract into plots or lots used as a cemetery.

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge any upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Variance. A permission to develop or use property granted by the relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Section 602. Work Interpretation

For the purpose of this ordinance, certain words shall be interpreted as follows:

Words in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "structure" shall include the word "building."

The word "lot" shall include the words, "plot," "parcel," or "tract."

The word "shall" is always mandatory and not merely directory.

The word “will” is always mandatory and not merely directory.

ENDNOTES

1 House Bill 124, enacted in 1991, provides that watershed regulations may be adopted by a local government pursuant to its “general police power,” to its power to adopt a land subdivision ordinance, to its zoning power, or to some combination of these powers. The model ordinance, since it has been established as a free-standing ordinance, cites the general police power statutes as its authority along with the watershed statutes. Local governments must choose which authority they wish to use and should not cite all legislative authorities because each authority has its own corresponding jurisdictional implications. For example, a municipal ordinance adopted under 160A- 174 cannot be enforced in the extraterritorial jurisdiction [ETJ], but if adopted under zoning (160A-381) or subdivision (160A-371) authority it may be enforced in the ETJ. Local governments should decide whether or not they intend to adopt a free-standing ordinance, or as an alternative, separate (or amendments to) zoning and subdivision ordinances. Whichever method is chosen, the appropriate authorities should be cited in this section and elsewhere in the ordinance whenever needed.

There is the potential for an area located in a municipality’s ETJ to be inadvertently omitted from coverage if the municipality that exercised ETJ establishes its program using its police power, and the county establishes its program under its zoning ordinance. Coordination between the jurisdictions is very important. A county may enforce the watershed protection regulations for a municipality within that county if a resolution is passed by both the county and municipal governing boards.

2 Statutory authority for this section is derived from N.C. General Statutes Chapter [153A], Article [6], Section [121], Section [140] and Chapter 143-214.5. Alternate statutory authority for this section may be derived from N.C. General Statutes 153A-320, and 160A-360 for those cities and counties interested in adopting the watershed legislation as part of separate zoning and subdivision ordinances.

For counties, this ordinance will apply to watershed areas outside of the municipal limits of any town unless the town requests (and the county agrees) that the ordinance be enforced within all or part of the town’s jurisdiction. Towns may enforce the ordinance within their corporate limits. If adopted under zoning and/or subdivision authority, the town may enforce in ETJ.

3 This section states the watershed protection ordinance will not affect existing ordinances or agreements between parties unless those ordinances or agreements are less restrictive than the watershed protection ordinance. In those situations the watershed protection ordinance will take precedence.

If a non-conforming lot is contiguous to another non-conforming lot or lots, the local government may require the lots to be combined in order to make a conforming lot or one that is more conforming than each lot individually. If a local government does not enforce subdivision regulations, then that local government may or may not allow the exemption for family subdivisions.

4 The latest date on which an ordinance shall become effective is as follows:

by July 1, 1993: Affected municipalities with a population of 5,000 or greater by October 1, 1993: Affected municipalities with a population less than 5,000 by January 1, 1994: Affected counties.

5 Statutory authority for this section is derived from N.C. General Statutes Chapter [153A], Article [6], Section [121], Section [140] and Chapter 143-214.5. Alternate authorities may be derived from General Statutes 153A-330 and 153A-340, and 160A-371 and 160A-381 for those counties and cities interested in adopting the watershed legislation as part of separate subdivision and zoning ordinances.

6 Lots which are smaller than the size required for residential lots may be developed with single family residential development using built-upon area criteria. See corresponding commentary under Article 300.

7 Statutory authority for this section is derived from N.C. General Statutes Chapter [153A], Article [6], Section [121], Section [140] and Chapter 143-214.5. Alternate statutory authority for this article may be derived from N.C. general Statute 153A-340 through 153A-390, and 160A-381 through 160A-394. This article contains development regulations for each of the watershed classifications. Watersheds designated WS-V require no local government regulatory program. Local governments will only need to include the regulations corresponding to the classifications assigned to watersheds in their jurisdiction. For WS-II, WS-III and WS-IV watershed areas, the EMC rules provide for single family residential development to be controlled either by limiting built-upon area or by limiting density (dwelling units per acre). Those involved in drafting the model ordinance felt that most local units of government would find it easier to enforce single family residential requirements through density controls rather than limiting built-upon area. All other residential and non-residential development is controlled by regulating the amount of built-upon area as required by the EMC rules.

Under the low density option used in this ordinance, local governments with jurisdiction within a WSII and/or a WS-III watershed areas as defined on July 1, 1993 are allowed to establish a procedure by which ten percent of the balance of watershed (area outside the critical area) may be developed with new development or expansions to existing development at up to 70 percent built-upon area without requiring storm-water controls. Local governments with jurisdiction within the protected area of a WS-IV watershed that do not allow development under the high density option within that WS-IV protected area, may also establish a procedure by which ten percent of that area may be developed with new development or expansions to existing development at up to 70 percent built-upon area. The amount of land allowed to development under this provision in WS-IV watershed areas is based on the size of the local government's jurisdiction on July 1, 1995. How this ten percent will be allocated, over time, among the local government's jurisdiction will be up to each local government. For example, the local government may choose to plan growth by identifying one or more areas of its jurisdiction that would be suited for an industrial park. Even though the rule states that this additional new development may be up to 70 percent built-upon area, other new development may occur throughout the watershed in conformance with the built-upon area requirements. Another method by which a local government may choose to use to allocate its share of the 10%-70% provision is on a project-by-project basis throughout the non-critical area of the watershed. This may occur either on a first-come-first-served basis or projects may be required to compete for the credits. If projects are required to compete for credits, the ordinance must specify specific rules and criteria that would apply to all projects competing for the credits. Regardless of the method of allocation chosen, each local government must keep careful records of the total amount of land that is eligible for development under the 10% -70% provision and the total number of acres of built-upon surface already developed. Local governments may establish procedures for trading land area available for development under the 10% -70% provision between local governments within the same watershed and also may apply the 10%-70% development potential of public lands within their jurisdiction to private lands within the same watershed. The rules allow each local government to choose either a low density or high density option for residential and non-residential development in WS-II, WS-III and WS-IV watershed areas. The text of the model ordinance only includes the low density option, all new residential development must be controlled by limitations on built-upon area rather than dwelling units

per acre. Under the high density option, any new development exceeding the low density requirements must use storm-water controls, including the 10% of the watershed that can be developed at up to 70% built-upon area (in WS-IV watersheds, a local government must choose either the high density option or the 10% -70% provision). Local watershed protection ordinances using the high density option must require all new development projects which exceed the low density option limits to use engineered storm-water controls designed to control the first inch of rainfall. The rules also state that local governments will 1) assume ultimate responsibility for the operation and maintenance of all storm-water devices, 2) perform annual inspections of each device, and 3) keep standardized records on each storm-water device in their jurisdiction. Local governments will also have to require the “posting of adequate financial assurance, in the form of a cash deposit with or a bond made payable to the local government, or other acceptable security.” This is to assure maintenance repairs and reconstruction, when necessary. (Refer to sections .0104(f) and (g) and Rules .0214, .0215 and .0216 for more complete information.) All requirements contained in Article 300 implement the minimum standards adopted by the EMC. Local governments, therefore, cannot relax these regulations but may adopt more stringent ones if desired.

8 The Soil and Water Conservation Commission is the designated management agency responsible for implementing provisions in the water supply watershed protection rules pertaining to agricultural activities. The following are required in all WS-I watersheds and the critical areas of WS-II, WS-III and WS-IV watersheds:

(1) Agricultural activities conducted after January 1, 1993 shall maintain a minimum 10 foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) scale topographic maps or as determined by local government studies; and

(2) Animal operations permitted under 15A NCAC 2H .02 17 and deemed permitted are allowed in all classified water supply watersheds.

9 Additional authority for the requirements of this section is derived from the water supply watershed protection rules adopted by the Environmental Management Commission on February 13, 1992 and amended on June 8, 1995.

Whenever dwelling units per acre are referred to, one acre is equal to 43,560 square feet.

10 The EMC adopted this provision with the intention of locating built-upon surface area in the least environmentally sensitive area of the project.

11 This section deals with all existing development as defined in the EMC rules. All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of this ordinance.

12 Statutory Authority for this section is derived from N.C. General Statutes Chapter [153A], Article [6], Section [121], Section [140] and Chapter 143-214.5. Alternate statutory for this article may be derived from N.C. General Statute 143-214.5; 153A, Parts 1 and 3; 160A, Parts 1,2 and 3.

This article outlines a suggested procedure for the administration and enforcement of the ordinance. It provides for the appointment of a Watershed Administrator and a Watershed Review Board. An individual already employed by the County or Municipality may also assume the duties of the Watershed Administrator, just as an existing board may assume the duties of the Watershed Review Board. A local

government may use other procedures; however, such procedures should be of sufficient detail to ensure adequate enforcement of the ordinance.

13 For additional discussion of this issue, refer to the commentary under Article 300.

14 The intent is to prohibit members of the Board from acting in situations where they have a conflict of interest in a manner similar to the prohibition in NCGS 14-23(c)(1).

15 This section outlines the procedures for local governments to use in approving minor variances. Major variances may be granted for certain projects; however, the major variance must be reviewed by and received approval from the Environmental Management Commission prior to the local government issuing the watershed protection permit.

Procedures for local government review of major variance requests and submission of a recommendation to the Commission are also included.

APPENDIX A
APPLICATION FORMS

Appendix A: Application Forms

Part I: Watershed Subdivisions

APPLICATION FOR A WATERSHED SUBDIVISION APPROVAL

Date of Application

Application Number

On a separate sheet of paper, list the Deed Book and page number, the parcel size and the Tax Map and lot number for each parcel of land (if one parcel, list here). _____

Watershed Name: _____

Critical Area: Yes / No

Name of Owner/Applicant: _____

Corporation Name/State: _____

Mailing Address: _____

Street Address: _____

City, State and Zip: _____

Telephone Number: _____ Alternate: _____

*

General Description of Work Under This Application: _____

Name of Proposed Subdivision: _____

Type of Subdivision: _____ Residential _____ Commercial _____ Industrial _____ Other

Number of Parcels/Lots: _____ (Smallest Lot: _____ acres

Largest Lot: _____ acres)

I certify that the information shown above is true and accurate, and is in compliance with the conditions for a subdivision of land as defined in the Watershed Protection Ordinance.

_____(Seal)
Owner/Attorney in Fact

**

OFFICIAL USE

Date Received: _____ Date Referred to Board: _____

Notes: _____

Subdivision Plat Checklist

The plat shall be clearly and legibly drawn at a scale of not less than one inch to one hundred feet (1"=100') (1"= 200" in extreme cases). The plat shall be prepared by a registered surveyor and shall include the following information prior to consideration by the Allegheny Board of Commissioners:

Name of Subdivision _____

Date Submitted _____

Location _____

Owner _____

Address _____ Telephone _____

Surveyor _____

Address _____ Telephone _____

Engineer _____

Address _____ Telephone _____

Checklist:

(a) Title Block:

_____ Subdivision name, subdivider's name, North Arrow, scale (denoted graphically and numerically), date of plat preparation, location of subdivision (township, county and state), name and seal of registered surveyor preparing plat, deed book reference.

(b) Vicinity Map:

_____ A sketch vicinity map showing the location of the subdivision in relation to the surrounding area. If the subdivision is a portion of a larger tract, the map is to show the relation of the subdivision to the larger tract.

(c) Tract Boundaries:

_____ The boundaries of the tract or portion thereof to be subdivided, with all bearings and distance shown.

(d) Property Lines:

_____ Property lines and owners' names of abutting properties and/or abutting subdivisions of record.

(e) Natural Features:

_____ Significant natural features including marshes, lakes or streams, or other natural features affecting the site.

(f) Existing Features:

_____ Existing features including structures and built-upon area and Allegheny County limit lines both on or adjacent to the land to be subdivided.

(g) Topographic Lines (if required by Building Inspector or Allegheny Board of Commissioners):

_____ Topographic contour lines not to exceed ten (10) foot intervals when the area to be subdivided exceeds four (4) acres.

(h) Lot and Street Lines:

_____ All proposed lot and street right-of-way lines with approximate area and dimensions, lot numbers and proposed use of land.

(i) Drainage System:

_____ Proposed drainage facilities, including approximate location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds, or areas where water is to be diverted through grading.

(j) Site Data:

_____ Total acreage in tract to be subdivided, smallest lot size (square feet) and total number of lots.

(k) The following documentation is to accompany the application:

_____ Written evidence acknowledging the submission and approval of the required soil erosion and sedimentation control plan.

Part II: Watershed Protection Permit

APPLICATION FOR A WATERSHED PROTECTION PERMIT

Date of Application

Application Number

On a separate sheet of paper, list the Deed Book and page number, the parcel size and the Tax Map and lot number for each parcel of land (if one parcel, list here). _____

Watershed Name: _____ Critical Area: Yes / No

Name of Owner/Applicant: _____

Corporation Name/State: _____

Mailing Address: _____

Street Address: _____

City, State and Zip: _____

Telephone Number: _____ Alternate: _____

General Description of Work Under This Application: _____

I certify that the information shown above is true and accurate, and is in compliance with the conditions for a subdivision of land as defined in the Watershed Protection Ordinance.

Owner/Attorney in Fact (Seal)

OFFICIAL USE

Date Received: _____

Date Referred to Board: _____

Notes: _____

Watershed Protection Permit Plan Checklist

Applications for Watershed Protection Permits shall be accompanied by plans in duplicate and drawn to scale showing the following:

(a) Location of Project.

_____ Identify the appropriate classification, WS-II-CA, WS-II-BW, WE-rn-CA, WS-ffl-BW, WS-IV-CA, WS-IV-PA.

(b) Lot Dimensions.

_____ Actual dimensions and acreage of the lot to be built upon and the location of any right of ways that may affect development on the lot.

_____ Average lot size (in square feet).

(c) Built Upon Area.

_____ The accurate location and use of all existing and proposed buildings and other structures, and for non-residential developments the location and size, in square feet, of all built-upon areas including parking and loading facilities.

_____ The percent of the project that will be covered with an impervious surface.

_____ The area, in acres, to be left natural.

(d) Dwelling Units.

_____ The total number of dwelling units proposed on the lot or tract.

(e) Streams/Rivers.

_____ The accurate location of all perennial streams and natural drainage areas on the property.

(f) Adjacent Property Owners.

_____ The name of adjoining property owners.

(g) Buffers.

_____ The location of all required buffer areas.

APPENDIX B

ALLEGHANY BOARD OF COMMISSIONERS

RULES OF PROCEDURE-APPEALS, VARIANCES

Appendix B: Rules of Procedure for the Alleghany Board of Commissioners
Regarding Appeals and Variances

Section 101. General Proceedings of the Alleghany Board of Commissioners

The Board shall annually elect a chairman and vice-chairman from among its members. The chairman in turn shall appoint a secretary, who may be an employee of Alleghany County, Alleghany County officer or a member of the Alleghany Board of Commissioners. The chairman, or in his absence the vice-chairman, may administer oaths and request the attendance of witnesses. The Board shall keep minutes of its proceedings, including the names of members present and absent, a record of the vote on every question or abstention from voting, if any, together with records of its examination and other official actions.

Section 102. Meetings

(A) Board Meetings. The Board shall hold regular monthly meetings at a specified time and place. Special meetings of the Board may be called at any time by the chairman or by request of three (3) or more members of the Board. At least forty-eight (48) hours written notice of the time and place of meetings shall be given, by the chairman, to each member of the Board. All Board meetings are to be held in accordance with Article 33B of Chapter 143 of the General Statutes of North Carolina, commonly referred to as the Open Meetings Law.

(B) Cancellation of Meetings. Whenever there are no appeals or other business for the Board, or whenever so many members so notify the secretary of inability to attend that a quorum will not be available, the chairman may dispense with a meeting by giving written or oral notice to all members.

(C) Quorum. A quorum shall consist of three (3) members of the Board, but the Board shall not pass upon any questions relating to an appeal from a decision or determination of the Building Inspector when there are fewer than four-fifths ($4/5$) of the members present.

(D) Voting. All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in Section 506 of this ordinance. The required vote to decide applications for appeals and variances shall not be reduced by any disqualification. In all other matters, the vote of a majority of the members present and voting shall decide issues before the Board.

Section 103. Appeals and Variances

(A) Types of Appeals and Variances:

(1) Appeals. The Board shall hear and decide all appeals from any decision or determination made by the Building Inspector.

(2) Variances. All applications for variances shall first be presented to the Building Inspector, who in turn shall refer the applications to the Alleghany Board of Commissioners for review and decision in accordance with the procedures outlined in Section 507 of this ordinance.

(B) Procedure for Filing Applications for Appeals and Variances. No hearing shall be held by the

Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive the decision or determination by the Building Inspector or the aggrieved party or parties receive constructive notice of the decision. Applications shall be filed with the Building Inspector, who shall act as Clerk for the Board in receiving this notice. All applications shall be made upon the form specified for that purpose and all information required on the form shall be complete before an application shall be considered as having been filed. Once applications have been filed, the Building Inspector shall immediately notify the chairman of the Board that such applications have been received.

(C) Hearings:

(1) Time. After receipt of an application for an appeal or variance, the Board chairman shall schedule a time for a hearing which shall be within forty five (45) days from the filing of such notice of the application.

(2) Notice of Hearing. For all applications, notice of the hearing shall be mailed to the adjoining property owners and to such other persons as the Building Inspector shall direct at least five (5) days prior to the hearing. Such notice shall state the location of the building or lot, the general nature of the questions involved and the time and place of the hearing.

(3) Conduct of Hearing. The hearing shall be a quasijudicial proceeding. Any party may appear in person or by agent or by attorney at the hearing. The order of business for the hearing shall be as follows: a) The chairman, or such person as he shall direct, shall give a preliminary statement of the case; b) the applicant shall present the argument in support of the application; c) persons opposed to granting the application shall present their argument against the application; d) both sides will be permitted to present rebuttals to opposing testimony; e) the chairman shall summarize the evidence which has been presented, giving the parties opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of only such evidence as would be admissible in a court of law. The Board may view these premises before arriving at a decision. All witnesses before the Board shall be placed under oath and the opposing party may cross-examine them.

(D) Decisions:

(1) Time. A decision by the Board shall be made within thirty-five (35) days from the time of the hearing.

(2) Form. Written notice by certified or registered mail of the decision in a case shall be given to the applicant or appellant by the secretary as soon as practical after the case is decided. Also, written notice shall be given to owners of the subject property and to persons who have made a written request for such notice. The final decision of the Board shall be shown in the record of the case as entered in the approved minutes. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made.

(3) The decision on an application for an appeal may reverse or affirm, wholly or partly, or modify the decision or determination of the Building Inspector.

(4) With an application for a major variance, the Watershed Review Board shall provide a recommendation to the N.C. Environmental Management Commission. The N.C. Environmental Management Commission shall have the authority to approve or deny the issuance of a variance. If the

N.C. Environmental Management Commission approves the variance, the Allegheny Board of Commissioners may direct the Building Inspector to issue a watershed Protection Permit.

(5) Expiration of Permits. Unless otherwise specified, any order or decision of the Board in granting a Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of the decision.

(6) Voting. The concurring vote of four-fifths ($4/5$) of the members of the Board shall be necessary to reverse any decision or determination of the Building Inspector. A majority vote of the members present and voting is required to provide a recommendation to the N.C. Environmental Management Commission to the N.C. Environmental Management Commission on an application for a major variance.

(7) Public Record of Decisions. The decisions of the Board, as filed in its minutes, shall be a public record and available for inspection at all reasonable times. Every decision of the Allegheny Board of Commissioners shall be filed in the office of the Building Inspector and a written copy thereof shall be delivered to the applicant and adjacent property owners by personal service or registered mail.

(8) Decisions and Appeals. Every decision by the Board regarding appeals from decisions of the Building Inspector shall be subject to review by superior court. All appeals shall be taken to superior court within thirty (30) days after the decision to the Board is filed in the office of the Building Inspector, or after a written copy thereof is delivered to the appellant by personal service or registered mail or certified mail, return receipt requested, whichever is later.

ALLEGHANY COUNTY HAZARDOUS MATERIALS SPILLS PLAN FOR WATER-SHED AREAS

I. PURPOSE

This plan predetermines, to the extent possible, actions to be taken by the emergency organizations of Alleghany County and cooperating private institutions to prevent hazardous chemical spills in water-shed areas, if possible; to establish capabilities for protecting citizens and the watershed from the effects of spills; to respond effectively to the actual occurrence of disasters; and to provide for recovery in the aftermath of any emergency involving extensive damage or other debilitating influence on the normal pattern of life within the community. Although Alleghany County is comprised of less than 5% watershed and/or protected area, some of the Fisher River Water-shed surrounds the Blue Ridge Parkway, a major scenic attraction. Preventing any spill of hazardous materials is crucial to the health and environmental well-being of the county.

II. SITUATION AND ASSUMPTIONS

A. Situations. Alleghany County water-shed areas are exposed to several hazardous materials, all of which have the potential to disrupt the community, cause damage to the land and water, and create casualties. Possible hazards include release of toxins by spill, release of toxic gases by accidental release or fire, transportation accidents involving hazardous materials, or acts of nature that would subject the land and water to hazardous materials.

B. Assumptions.

1. The county government and industry within the water-shed area involving hazardous materials are primarily responsible for emergency actions and will commit all available resources to save lives, avoid injury to persons, and minimize damage to property and water.

2. While it is likely that outside assistance would be available in most large-scale disaster situations affecting the county and while plans have been developed to facilitate coordination of this assistance, it is necessary for Alleghany County to plan for and be prepared to carry out disaster response and short-term recovery operations on an independent basis.

III. WATER-SHED AREA DELINEATION

There are two water-shed areas in Alleghany County, making up less than 5% of the entire county. Those areas (Fisher River and Reddies River) are shown on the map labeled Appendix #5.

IV. SPECIFIC THREATS TO THE WATER-SHED

A. Hazardous Materials Found Most in Water-shed Boundaries.

Although many different hazardous materials have been reported to the Alleghany County Emergency Management Office, the locations of these are outside of the water-shed areas. The hazardous material most likely to impact the Alleghany County water-sheds is gasoline from an automotive accident.

B. Facilities With the Most Hazardous Materials.

Alleghany County has no fixed facilities with reportable quantities of hazardous materials within the water-shed boundaries

C. Major Transportation Passageways.

Appendix #5 is a map of Alleghany County that better delineates the major transportation passageways. There are no major transportation routes that pass through the water-shed areas.

1. Highways

US 21 runs across the county southeast to northwest and joins with US 221 in the Twin Oaks community. It serves as a passageway from Elkin (in Surry County) to Grayson County, Virginia. It also bisects the Town of Sparta.

US 221 connects the Scottville Community with Twin Oaks, where US 221 joins US 21 and runs north into Virginia.

NC 18 crosses the county northeast from Mulberry Gap and southwest from Cumberland Knob, passing through Sparta.

NC 93 splits from US 221 near Twin Oaks and runs northwest to Grayson County, Virginia.

NC 113 runs north and south from the Blue Ridge Parkway to the junction of NC 113 and NC 93.

The Blue Ridge Parkway is a scenic parkway that follows the borders between Alleghany County and Surry County. and Alleghany County and Wilkes County. Commercial traffic is illegal.

2. Airways

The closest airport to Alleghany County is in Wilkes County, outside of the Town of North Wilkesboro city limits.

3. Waterways

The water-sheds in Alleghany County are all parts of water-sheds that originate in other counties. The only named creek in the areas is Ramey Creek, which runs from the Blue Ridge Parkways and parallels NCSR 1461 and 1462 before emptying into the Fisher River.

4. Railways

There are no railways within the water-shed areas of Alleghany County.

V. SPILL PREVENTION AND CONTAINMENT PLAN

A. Organization and Assignment of Responsibilities

The organization of Alleghany County's Emergency Management Office and the responsibilities of the agencies involved in a hazardous materials incident are better described in the

Alleghany County Hazardous Material Appendix to the Emergency Operations Plan. It lists the jurisdictional, state, and federal agencies and their duties. Currently, the Alleghany County Emergency Standard Operations Plan (SOP) is being updated to the most recent models for North Carolina county SOPs. When the update is complete, the Hazardous Materials Appendix will be added as Appendix #1 to the Hazardous Materials Spills Plan for Watershed Areas.

B. Spill Notification Procedures

There are two ways of notifying the Alleghany County Emergency Management Office of a hazardous material spill:

1. By Phone .A person may report a hazardous material spill by calling the Alleghany County Office of Emergency Management directly at (910) 372-2187, between 8:00 AM and 5:00 PM weekdays. On weekends and after office hours, a person should call the Alleghany County Communications Center (accessible by 9-1-1) and report the incident.

2. By Radio .An emergency responder (such as fire, EMS, police, or sheriff personnel) on scene should report a hazardous material spill to the Emergency Management Coordinator or the Assistant Emergency Management Coordinator by radio. If they do not know the coordinator's I.D. numbers, they may radio back to the Alleghany County Communications Center base and have the EM Coordinator paged.

Upon receiving notification of the incident, the coordinator will direct the handling of the situation (as stated in Appendix #1) and write a report on the incident to be filed with the North Carolina Division of Emergency Management. A copy is kept on file in the Alleghany County Emergency Management Offices.

C. Training Needs of Emergency Response Personnel

The majority of Alleghany County fire responders are HAZMAT Awareness (Level I) trained; however, responders are not required to hold certification. There are some county firefighter personnel who are certified HAZMAT Operations (Level II).

Awareness-level training is maintained by each individual responder in keeping with the NC Department of Insurance requirements for certification. In addition, Awareness-level classes are available through the emergency service providers, the community college system, and the various colleges held annually in the surrounding area.

D. Spill Containment/Protective Equipment

Alleghany County emergency services generally does not participate in the clean-up process of a HAZMAT spill. A contractor, such as Four Seasons out of Greensboro, is called in to remove the hazardous waste.

IV. SUMMARY

Alleghany County's water-shed areas are small and mostly residential or undeveloped. The Blue Ridge Parkway poses the greatest threat of hazardous materials incident, with high tourist traffic volumes, sharp curves, and slow driving speeds contributing to possible automotive accident incidents. There are

no fixed facilities with any reportable quantities within the water-shed areas, making the risk of hazardous material spills in the water-sheds very low. However, any spill of a hazardous material in a protected water-shed area has the potential to do serious damage to the Alleghany County water supply and must be handled as such.

Appendices:

- 1) Hazardous Materials Appendix of Alleghany County's Emergency Operations Plan
- 2) Summary of Regulations Governing Spill Prevention and Containment
- 3) List of Resources/Contacts for Spill Control
- 4) Clean Water Act Section 311 Chemical List
- 5) Maps of Watershed Areas and Roads

APPENDIX #1

**HAZARDOUS MATERIALS APPENDIX
ALLEGHANY COUNTY EMERGENCY STANDARD OPERATING PROCEDURES**

**CURRENTLY BEING UPDATED TO 1994 STATE MODEL
FOR EMERGENCY STANDARD OPERATING PROCEDURES**

APPENDIX #2

OVERVIEW OF REGULATIONS GOVERNING SPILL PREVENTION AND CONTAINMENT

1. CLEAN WATER ACT

- Major federal law to protect water quality administered by EPA and states
- Prohibits and requires reporting and cleanup of oil spills of any size and chemical spills (300 chemicals listed) if above the reportable quantity
- Established federal cleanup fund for orphan spills (when no responsible party can be identified)
- Requires Spill Prevention, Control and Countermeasure (SPCC) Plans for storage of larger quantities of oil only
- Requires secondary containment around oil storage facilities

2. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (CERCLA)

- Federal law (commonly known as “Superfund”) which provides a system for identifying and cleaning up chemical and hazardous substances including spill events
- Monies can be used for response efforts
- Requires cleanup by the responsible party
- Covers 727 chemicals including many not included in the Clean Water Act
- Establishes Reportable Quantities for chemicals and requires that accidental spills and releases over the RQ be reported to the National Response Center

3. EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT OF 1986 (SARA TITLE III)

- Establishes requirements for federal, state, and local governments and industry regarding emergency planning and “community right-to-know” reporting on hazardous and toxic chemicals
- State must designate a State Emergency Response Commission (SERC) and appoint Local Emergency Planning Committees (LEPC) to plan for HAZMAT incidents
- Requires facilities to report spills/releases of listed substances over reportable quantities to the LEPC and SERC
- Requires facilities to report to the LEPC, SERC, and local fire department their use/storage of Extremely Hazardous Substances and many other hazardous substances over certain threshold quantities

4. RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA)

- Federal law that establishes a system for controlling and tracking hazardous waste from generation to ultimate disposal
- Transporters required to carry copies of manifest, placard the transport vehicle, and comply with procedures for hazardous waste spill cleanup
- Applies exclusively to hazardous waste facilities

5. HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1975 AND THE HAZARDOUS MATERIAL TRANSPORTATION UNIFORM SAFETY ACT OF 1990

- Federal law administered by the US DOT; adopted and enforced by NC DOT
- Regulates the transport of 16,000 chemicals
- Regulates packaging, handling, labeling, placarding and routing of these substances
- Requires shipments of hazardous materials to be accompanied by documentation which identifies the substances being shipped
- Requires a 24 hour contact number for information on the material shipped
- Requires certain motor carriers transporting hazardous materials to obtain safety permits from DOT
- 1990 Act will provide funds to states and locals for training and emergency planning beginning in 1993

6. NC OIL POLLUTION AND HAZARDOUS SUBSTANCE CONTROL ACT OF 1978

- State law enforced by the Division of Emergency Management
- Prohibits discharges of oil and hazardous substances into or upon any waters (including ground-waters), tidal flat, beaches or lands of state or into any sewer, surface water drain, or waters that drain into the waters of the state
- Close to Clean Water Act .same chemical list, similar reporting requirements
- Places responsibility for notification of spills and containing, treating and removing the spill on the responsible party
- Established an Oil and Hazardous Substance Pollution Protection Fund for state cleanup of orphan spills
- Makes spiller liable for damage to public resources (e.g., fish, animals, vegetation, etc.)
- Requires a state oil spill contingency plan for coastal areas

7. NC PESTICIDE STORAGE REGULATIONS

- State regulations enforced by the NC Department of Agriculture-Pesticide Section
- Requires all pesticides to be stored to prevent leaking
- Requires commercial storage facilities to store restricted use pesticides (RUPs) to prevent contact with water resulting in area cleanup, the intrusion of storm-waters, leaks, or impounded or flowing waters, or any other source which represents a likely potential for flooding
- Requires commercial storage facilities to store RUPs at least 100 feet from a public water supply and at least 50 feet from a private water supply
- Spills of RUPs must be cleaned up immediately; floor-sweeping compounds shall be kept on hand to absorb spills or leaks
- Commercial storage facilities must develop a prefire plan describing the facility's plans and procedures for management of fires involving pesticides that must be filed with and approved by the fire department or emergency services office having jurisdiction
- Requires facility to request no less than an annual inspection by fire department or emergency services office
- Requires notification of Pesticide Board of fires, spills, or accidental releases if danger to people, animals, or the environment
- Requires facility to maintain current inventory list of pesticides

- Requires large storage facilities and private applicators that store 10,000 pounds or more of RUPs at any time to develop and submit a contingency plan to the NC Pesticide Board that presents reasonable assurances the facility will be able to contain or otherwise prevent the release of pesticides, and to minimize unreasonable adverse effects on public health or the environment

APPENDIX #3

LISTING OF CLEANUP COMPANIES

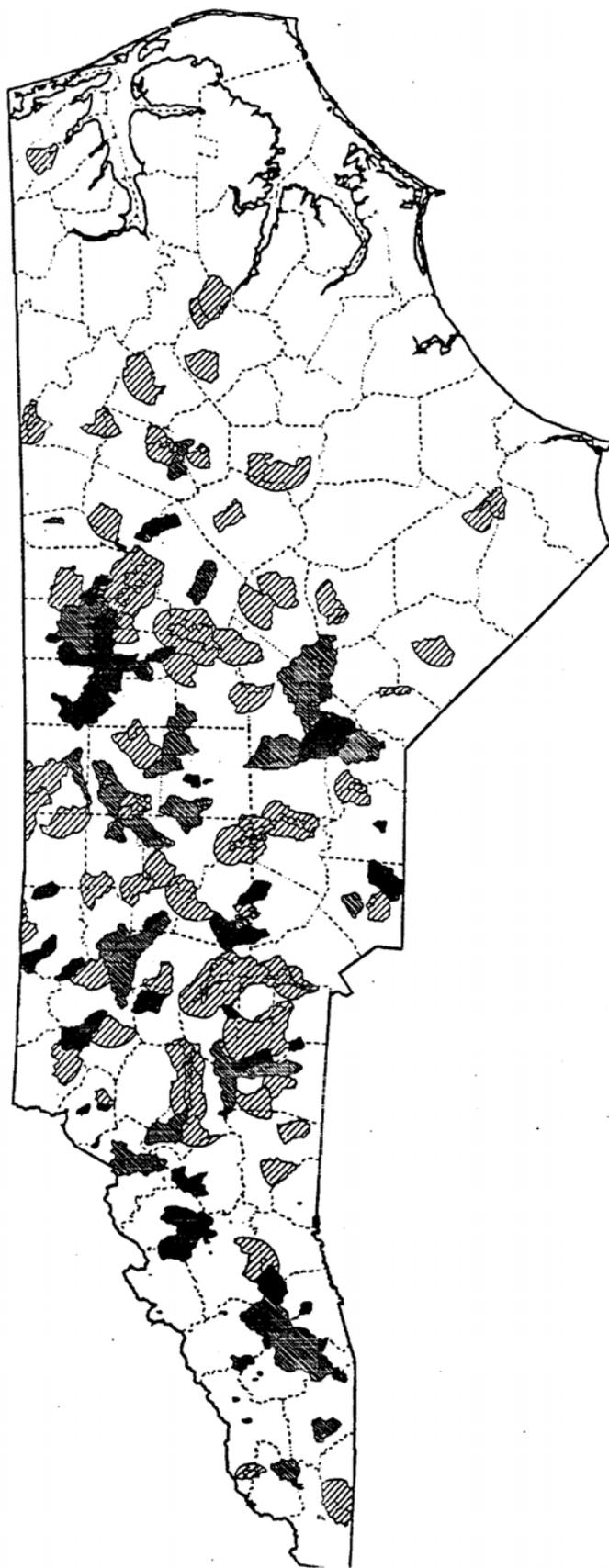
The following companies have indicated to the Charlotte-Mecklenburg Emergency Management Office that they are available for cleanup operations and emergency response:

- Environics, Inc.
411 Burton Road
Lexington, SC 29072
Phone: 1-800-289-7027
- Four Seasons Industrial Services, Inc.
4920 Old Pineville Road
Charlotte, NC 28210
Phone: 1-704-527-1293
- HEPACO, Inc.
2711 Burch Drive
Charlotte, NC 28269
Phone: 1-704-598-9787
1-800-888-7689
- Laidlaw Industrial Services
208 Watlington Industrial Drive
Reidsville, NC 27320
Phone: 1-919-342-6106
1-800-822-6548
- O.H.M., Inc.
100 Dominion Drive, Suite 107
Morrisville, NC 27560
Phone: 1-919-467-2349
- Petroleum Equipment and Services, Inc.
3810 Statesville Road
Charlotte, NC 28206
Phone: 1-704-335-8801
- Spectrum-Nationwide Environmental, Inc.
P0 Box 7351
Charlotte, NC 28241-7351
Phone: 1-704-334-2164
- STAT. Inc.
P0 Box 1443
Lenoir, NC 28645
Phone: 1-800-627-1451
- Widenhouse, Inc.
410 Central Drive
Concord, NC 28025
Phone: 1-704-782-4812

**Unable to scan "Federal Register, Rules and Regulations: Table 117.3 —
Reportable Quantities of Hazardous Substances Designated Pursuant to Section
311 of the Clean Water Act." See hard copy of ordinance in County
Administration Office, 09 South Main Street, Sparta, NC 336-372-4179.**

North Carolina Environmental Management Commission

Surface Water Supply Watershed Reclassifications



- WS-I
- WS-II
- WS-III
- WS-IV

Scale 1:2,000,000



Grid North

Surface Water Supply Watershed data compiled by
MCDM / NCCGA and automated by NCCGA, August 1991.
Revisions completed March 1992. Map prepared April 1992.

Regional Offices

North Carolina Department of Economic and Community Development
 Division of Community Assistance
 Bob Chandler, director

MOORESVILLE

Mat. Davis, chief planner
 P.O. Box 950
 919 N. Main St.
 Mooresville, N.C. 28115
 Phone: (704) 663-1699
 Fax: (704) 663-6040

WINSTON-SALEM

David Long, chief planner
 8025 N. Point Blvd.
 Suite 100
 Winston-Salem, N.C. 27106
 Phone: (919) 896-7007
 Fax: (919) 896-7005

RALEIGH

chief planner
 3800 Barrett Drive
 Suite 101
 Raleigh, N.C. 27609
 Phone: (919) 571-4717
 Fax: (919) 571-4718

WASHINGTON

Tom Richter, chief planner
 P.O. Box 2188
 1424 Carolina Ave.
 Washington, N.C. 27889
 Phone: (919) 946-6481
 Fax: (919) 975-3716

ASHEVILLE

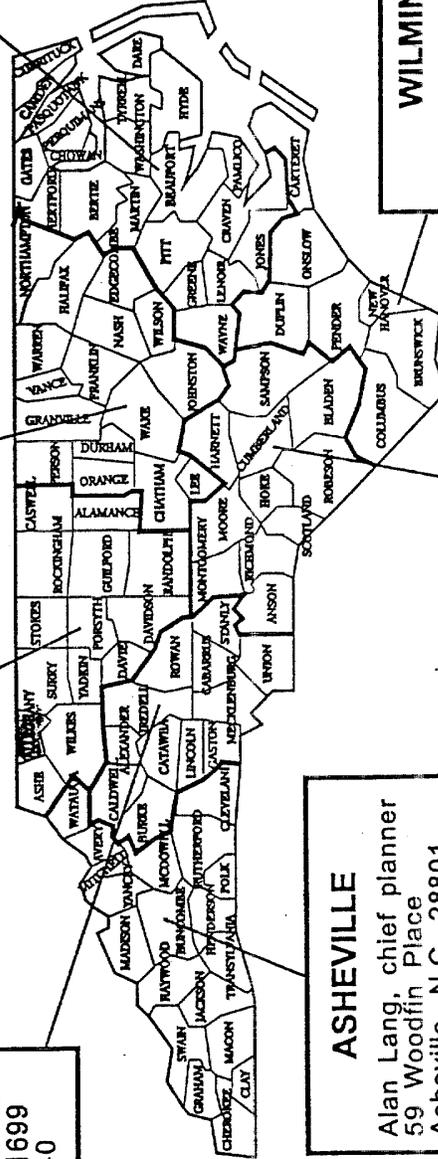
Alan Lang, chief planner
 59 Woodfin Place
 Asheville, N.C. 28801
 Phone: (704) 251-6208
 Fax: (704) 251-6508

FAYETTEVILLE

James Dougherty, chief planner
 Wachovia Building
 Suite 714
 Fayetteville, N.C. 28301
 Phone: (919) 486-1541
 Fax: (919) 486-0707

WILMINGTON

Tom Cassell, chief planner
 127 Cardinal Drive Extension
 Wilmington, N.C. 28405-3845
 Phone: (919) 350-2002
 Fax: (919) 350-2004



**Unable to scan additional maps and attachments. See hard copy of ordinance in
County Administration Office, 09 South Main Street, Sparta, NC 336-372-4179.**