

## **THE OAKS AT WALKER COURT - NOTICE OF EXEMPTION TO SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL AND STORM WATER MANAGEMENT REQUIREMENTS:**

Per the following sections of Smyrna's code of ordinances, the proposed development of two single family homes with total impervious areas of less than 5,000 sf and total disturbance less than ½ acre do not meet the thresholds for the Storm Water Management Requirements which include the Hydrology Study and Detention. The development also does not meet the thresholds to require a typical three (3) phased erosion control plan.

Accordingly, the developer proposes to provide BMPs to address water quality and a simple combined single phase erosion control and site plan at the time of building permitting. This is similar to other previous projects on McLinden, Dunton, & Dell Streets where storm water and full hydrology were waived.

## **ARTICLE II. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL**

### **Sec. 46-32. - Exemptions.**

(4) The construction of single-family residences, when such construction **disturbs less than one acre** and is not a part of a larger common plan of development or sale with a planned disturbance **of equal to or greater than one acre** and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where

vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

(8) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by subsections (1), (2), (3), (4), (5), (6), (7), (9) or (10) of this section;

## **ARTICLE V. - STORMWATER MANAGEMENT**

### **Sec. 46-141. - General provisions.**

#### **(b)Applicability.**

(1)This article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (2) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

- a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;
- b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
- c. Any new development or redevelopment, regardless of size, that is defined by the city engineer to be a hotspot land use; or,
- d. Land development activities that are smaller than the minimum applicability criteria set forth in subsection (a) and (b) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.