

ARTICLE 20

SOIL EROSION AND SEDIMENTATION CONTROL Required for Enforcement of State Regulations

20.1 General Requirements

20.1-1 Plan Required. No person shall initiate any land-disturbing activity in excess of one (1) acre for residential or commercial purposes without a Soil Erosion and Sedimentation Control plan approved by the North Carolina Department of Environmental Quality (NCDEQ). A copy of the approved Soil Erosion and Sedimentation Control Plan shall be on file in the office of the *Development Administrator* not less than ten (10) days prior to the initiation of such land disturbing activity.

20.1-2 Protection of Property. Persons conducting permitted land-disturbing activity shall take all reasonable measures to protect all public and private property from damage or nuisance caused by such activity.

20.2 Basic Control Objectives

Zoning approval shall be withheld until such time as an officially approved Soil Erosion and Sedimentation Control plan is filed with the *Development Administrator*. At a minimum, the state-approved plan shall address the following control objectives:

- (1.) Limit Time of Exposure. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
- (2.) Limit Exposed Areas. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
- (3.) Control Surface Water. Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- (4.) Control Sedimentation. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage and nuisances to adjacent properties, streets or streams; and
- (5.) Manage Storm Water Runoff. When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse,

plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

20.3 Mandatory Standards for Land Disturbing Activity

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

20.3-1 Buffer Zone. No land-disturbing activity shall be permitted within 30 feet of a water body shown on the most recent published version of the soil survey map prepared by the Natural Resources Conservation Service or the most recent 1:24,000 scale quadrangle topographic maps prepared by the US Geological Survey, including perennial streams, intermittent streams, modified natural streams, lakes or reservoirs, ponds (including beaver ponds), estuaries and rivers (See 15A NCAC 02B .0233 Neuse River Basin Nutrient Sensitive Water Strategies);

20.3-2 Prior Plan Approval. No person shall initiate any land-disturbing activity if more than one (1.00) contiguous acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by NCDEQ.

20.4 Responsibility for Maintenance

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, or by any ordinance adopted pursuant to this Ordinance. After site development, the land owner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

20.5 Existing Uncovered Areas

20.5-1 Applicability. All uncovered areas existing on the effective date of this Ordinance which are the result of land-disturbing activity, which exceed one (1.00) contiguous acre, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

20.5-2 Notice of Violation. The Jurisdiction will serve upon the landowner a written notice of violation by registered or certified mail, return receipt requested. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.

20.5-3 Exemption. This rule shall not require ground cover on cleared land forming the future basin of a permitted reservoir.