15A NCAC 02B .0721 RANDLEMAN LAKE WATER SUPPLY WATERSHED: STORMWATER REQUIREMENTS

The following is the stormwater management strategy for the Randleman Lake watershed:

(1) IMPLEMENTING AUTHORITY. The requirements of this Rule shall be implemented by local governments that have land use authority within the Randleman Lake watershed. State agencies shall also comply with this Rule insofar as required by G.S. 143-214.5 and in accordance with Rule .0622 of this Subchapter.

(2) SUBWATERSHEDS. For the purpose of this Rule, the Randleman Lake Watershed is divided into subwatersheds as follows:

(a) the upper portion of the watershed is defined as those waters and lands of the Deep River watershed that drain to the Oakdale-Cotton Mill Dam;

(b) the lower portion of the watershed are those waters and lands of the Deep River upstream and draining to the Randleman Lake Dam, from the Oakdale-Cotton Mill Dam to the Randleman Dam;

(c) Oak Hollow Lake subwatershed is defined as all land areas draining to Oak Hollow Lake;

(d) High Point Lake subwatershed is defined as all land areas draining to High Point Lake, East Fork Deep River and West Fork Deep River from Oak Hollow Lake Dam; and

(e) Deep River 1 subwatershed is defined as all land areas draining to the Deep River from High Point Lake Dam to Freeman Mill Dam.

(3) COMPREHENSIVE STORMWATER MANAGEMENT PLANS. All local governments with jurisdiction in the Randleman Lake watershed shall implement and maintain stormwater management plans that meet or exceed the criteria set forth in this Item of this Rule. Stormwater management plans shall include the following:

(a) evaluation of existing land use within Oak Hollow Lake subwatershed, High Point Lake subwatershed, and Deep River 1 subwatershed in the Randleman Lake watershed with recommendations that show how overall built-upon area (for existing and future development) for each subwatershed can be minimized and high intensity land uses can be targeted away from surface waters and sensitive receiving waters as defined by 15A NCAC 02H .0150. This evaluation shall be done by the local governments having jurisdiction in those watersheds, working in cooperation with the Piedmont Triad Regional Water Authority;

(b) coordination between all affected jurisdictions to encourage their development in the existing urban areas. The planning effort shall include provisions for areas of contiguous open space to be protected through conservation easements or other long-term protection measures and provisions to direct infrastructure growth towards existing urban development corridors rather than to rural lands;

(c) evaluation of existing ordinances, municipal programs (maintenance, street cleaning, etc.), and other local policies to identify opportunities for stormwater quality improvements, including reducing the amount of built-upon area that is required for uses such as parking, building setbacks, road widths, and cul-de-sacs. The evaluations shall consider development options such as multiple story buildings, mixed use to encourage pedestrian travel and mass transit, and an identification of municipal activities and procedures that may be modified to allow for stormwater pollution prevention opportunities;

(d) implementation of watershed protection public education programs;

(e) identification and removal of illegal discharges; and

(f) identification of suitable locations for potential stormwater retrofits (such as riparian areas) that may be funded by various sources.

(4) RANDLEMAN LAKE WATERSHED ORDINANCES. Local governments with jurisdiction in the Randleman Lake watershed shall implement local ordinances that meet or exceed the provisions of Items (5) and (6) of this Rule in accordance with their location in the Randleman Lake watershed and in coordination with the Piedmont Triad Regional Water Authority. All revisions to these local ordinances shall be submitted to the Commission for review and approval. Ordinances that meet or exceed the provisions of Items (5) and (6) of this Rule shall be approved by the Commission.

(5) REQUIREMENTS FOR THE UPPER PORTION OF THE WATERSHED. Local governments with jurisdiction in the upper portion of the Randleman Lake watershed shall adopt ordinances that meet or exceed the State's minimum rules for a Class WS-IV watershed as specified in 15A NCAC 02B .0216 and 15A NCAC 02B .0620 through .0624 in addition to meeting the riparian area protection requirements of 15A NCAC 02B .0724.

(6) REQUIREMENTS FOR THE LOWER PORTION OF THE WATERSHED. Local governments with jurisdiction in the lower portion of the Randleman Lake watershed shall adopt ordinances that meet the riparian area protection requirements set forth in 15A NCAC 02B .0724. Local ordinances shall also meet or exceed the State's minimum requirements for a Class WS-IV watershed set forth in 15A NCAC 02B .0620 through .0624 except that the following requirements shall supersede the equivalent provisions of 15A NCAC 02B .0624, as specified:

(a) the following maximum allowable project densities and minimum lot sizes shall supersede the requirements of 15A NCAC 02B .0624(3) and shall apply to a project according to its relative location in the watershed (Critical Area versus Protected Area), its project density (low density versus high density), and the type of development (single-family detached residential versus all other types):

Location in the Watershed	Maximum Allowable Project Density or Minimum Lot Size		
	Low Density Development		High Density Development
	Single-family detached residential	Non-residential and all other residential	All types
Critical Area	1 dwelling unit per 2 acres or 80,000 square foot lot or 6% built-upon area	6% built-upon area	6 to 30% built-upon area
Protected Area	1 dwelling unit per acre or 40,000 square foot lot or 12% built-upon area	12% built-upon area	12 to 50% built-upon area;

(b) for high density development, the following vegetated setback requirements shall be in addition to the riparian area protection requirements set forth in 15A NCAC 02B .0724 and shall supersede the requirements of 15A NCAC 02B .0624(11):

(i) vegetated setbacks for high density development shall be located at least 100 feet from perennial waterbodies and perennial streams indicated on the most recent versions of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps, which is herein incorporated by reference and are available at no cost at http://www.usgs.gov/pubprod/, or the most recent version of the published manuscript of the soil survey map that shows stream layers prepared by the Natural Resources Conservation Service of the United States Department of Agriculture, which are herein incorporated by reference and are available at no cost at http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/;

(ii) the width of a vegetated setback shall be measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline;

(iii) vegetated setbacks may be cleared or graded, but shall be replanted and maintained in grass or other vegetation; and

(iv) no new built-upon area shall be allowed in the vegetated setback except for publicly-funded linear projects such as roads, greenways, and sidewalks, water dependent structures such as docks, and minimal footprint uses such as poles, signs, utility appurtenances, and security lights where it is not practical to locate

the built-upon area elsewhere. Built-upon area associated with these uses shall be minimized and the channelization of stormwater runoff shall be avoided.

(c) outside of the critical areas, as defined in 15A NCAC 02B .0202, a local government may submit an alternative high density option to the Commission as part of the submittal of the local water supply watershed protection ordinance in order to allow development to exceed 50 percent built-upon area. The alternative ordinance shall be approved by the Commission if the Commission determines that it provides equal or greater water quality protection to the Randleman Lake reservoir and its tributaries;

(d) no new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed in the critical areas; and

(e) no new landfills shall be allowed in the critical areas.

(7) Local governments shall have the option to develop more stringent local stormwater management plans and watershed ordinances. Local stormwater management programs and ordinances, and modifications to these programs and ordinances, shall be submitted to the Commission for review and approval and kept on file by the Division. The Commission shall approve the local stormwater management plans and watershed ordinances if they meet or exceed the requirements set forth in this Rule.

(8) If a local government fails to implement an approved plan, then stormwater management requirements for existing and new urban areas within its jurisdiction shall be administered through the NPDES municipal stormwater permitting program per 15A NCAC 02H .0126 which shall include:

(a) subject local governments shall be required to develop and implement comprehensive stormwater management programs for both existing and new development;

(b) these stormwater management programs shall provide all components that are required of local government stormwater programs in this Rule; and

(c) local governments that are subject to an NPDES permit shall be covered by the permit for at least one permitting cycle (five years) before they are eligible to submit a revised local stormwater management component of their water supply watershed protection program for consideration and approval by the Commission. Revised ordinances that meet or exceed the provisions of Items (5) and (6) of this Rule shall be approved by the Commission.

History Note: *Authority G.S. 143-214.1; 143-214.5; 143-214.7; 143-215.1; 143-215.3(a)(1);*
Eff. April 1, 1999;
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