

Section 2-1300 Sandy River Reservoir Overlay District (SR)

Sec. 1300.01 Intent of the watershed district.

The purpose of this district is to protect against and minimize the pollution of, and deposition of sediment in, the public drinking water source for Prince Edward County located in the district, in order to protect the health, safety, and general welfare of the citizens using the water source.

Sec. 1300.02 Superimposed district.

This zoning district is to be superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the zoning use district within which a specific property is located. The special requirements are subject to the enforcement procedures and penalties described in Secs. 5-114 and 5-116 of the Prince Edward County Zoning Ordinance. Notwithstanding the special requirements, all existing continuing land uses shall be deemed permitted uses (a practice informally called “grandfathering”), consistent with Sec. 5-126 of the Prince Edward County Zoning Ordinance.

Sec. 1300.03 Boundaries.

Delineation of the district boundaries shall be based on technical studies by the appropriate public water supply agency and approved by the board of supervisors. Such boundaries shall be shown on the watershed district maps of Prince Edward County, Virginia, which are declared to be a zoning map and a part of this ordinance. These maps shall be kept on file in the Health Department and in the Zoning Administrator’s office.

1. *District boundaries.* Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lot lines, highways, railroads, power lines, pipelines, or civil boundaries, shall be construed to follow such lines. Where district lines approximately follow the ridgeline of a watershed it shall be construed that the district boundary actually lies on the crest of the ridgeline, as determined by an accepted topographic survey of the property in question.

2. *District boundary change.* The delineation of a watershed district may be revised by the board of supervisors where more detailed studies conducted by the appropriate public water supply agency document that such a change is appropriate or necessary, such revisions being made in accordance with Article V, Section 5-120 of the Prince Edward County Zoning Ordinance.

Sec.1300.04 Establishment of zoning districts.

This district covers only one of the watershed areas within the county, for which it is a primary water supply district. This primary water supply district shall include watershed areas upstream of a proposed water supply intake structure, designated as such by the Prince Edward County Board of Supervisors.

Sec. 1300.05 Watershed district activities.

1. *Permitted uses and special uses.* All permitted uses and special uses allowed in the zoning district over which the watershed district is superimposed shall be allowed except as provided in Section 1300.05 (2) through (5) herein.

2. *Prohibited uses.* The following uses shall be prohibited within the watershed district (SR):
- a. Production or disposal of hazardous waste as defined in Section 6-100 of the Prince Edward County Zoning Ordinance. [*add definition*]
 - b. Storage of hazardous waste or materials, other than those pesticides used for agricultural, forestry, horticultural, and household purposes.
 - c. Application to land surfaces or landfilling of industrial, commercial, or residential waste except as permitted by regulations of the Virginia Department of Environmental Quality.
 - d. Relocation of streambeds. Channelization of streams shall be prohibited , except in the correction of flood damage and/or as part of a conservation plan, utilizing best management practices, developed and approved by the Natural Resources Conservation Service (NRCS) and the Piedmont Soil and Water Conservation District. Such plans may also require a permit from the U.S. Army Corps of Engineers if the project is determined to be within their jurisdiction.
 - e. Commercial feedlots as defined in Section 6-200.1 of the Prince Edward County Zoning Ordinance and other confined animal feeding operations shall be prohibited except as provided by regulations of the Virginia Department of Environmental Quality.

3. *Uses prohibited except by special exception.* The following uses shall be prohibited within the watershed district (SR) unless approved through the special exception procedure of Sec. 5-124 of the Prince Edward County Zoning Ordinance:

- a. Exploration, development, or operation of oil wells, natural gas wells, strip mines, or quarries.
- b. Establishment of food processing plants or other industrial or commercial activities requiring the construction of wastewater treatment facilities.
- c. Bulk storage of petroleum or asphalt products, above or below ground, with an aggregate volume of ten thousand (10,000) gallons or more.
- d. Storage of pesticides used for agricultural, forestry, or horticultural purposes intended for repackaging or resale.
- e. Installation of long distance transmission pipelines for natural gas, liquid petroleum, petroleum products, slurry coal, and any other liquids or solids except water lines, sewer lines, and storm sewers.

4. *Uses prohibited within four hundred (400) feet of perennial streams or reservoir.*

The following uses shall be prohibited within four hundred (400) feet of any perennial stream within the watershed district (SR):

- a. Storage of petroleum or asphalt products. However, this prohibition shall not apply to the storage of heating oil for home use in quantities of five hundred fifty (550) gallons or less.
- b. Storage of pesticides used for agricultural, forestry, or horticultural purposes.
- c. Establishment of feed lots in which animal livestock units are birthed, fed (excluding grazing), raised, or held at any given time prior to slaughter or sale, unless operated under best management practices for waste management in livestock holding areas and in accordance with a conservation plan approved by the Piedmont Soil and Water Conservation District.

5. *Uses prohibited within fifty (50) feet of perennial streams or reservoir:*
 - a. Application of biosolids, livestock waste, poultry litter, or other animal waste except in accordance with a nutrient management plan developed by a Virginia-certified nutrient management plan writer. Such application does not constitute an existing use as specified in Section 1300.02.

6. *Special use modifications to minimize erosion and sedimentation.*
 - a. Portions of properties having steep slopes of fifteen (15) per cent or greater shall not be placed in agricultural uses that require soil tillage, except for preparation to plant permanent cover, unless operated under best management practices in accordance with a conservation plan developed and approved by NRCS and the Piedmont Soil and Water Conservation District.

 - b. All new construction projects resulting in ten thousand (10,000) square feet or more of impervious surfaces on any single site shall have a stormwater management plan approved by Prince Edward County consistent with but no more strict than the applicable state legal requirement, including but not limited to §10.1-603.4 of the Code of Virginia. Stormwater on any such property adjacent to a perennial stream or reservoir shall be disbursed into non-erosive sheet flow through an approved filter strip prior to entering the vegetated buffer strip specified in Section 1300.06.1a. Any stormwater management facilities shall be indicated on plats and site plans.

The cost of County permits and fees required of landowners for stormwater management plans in the SR district shall be forgiven by the County.

Sec. 1300.06 Special requirements within the watershed district (SR).

1. *Stream and reservoir setback requirements:*
 - a. A buffer strip of dense perennial vegetation, preferably natural, shall be maintained adjacent to the reservoir and to any perennial stream and shall be no less than fifty (50) feet in width on each side of the stream, measured from the crest of the stream bank, except as addressed in 1300.06.1.c and 1300.07.2. The buffer strip shall be clearly shown on all development plats and on site plans for development.

 - b. No portion of any on-site sewerage system, drain field, reserve drain field, waste pump station, waste force main, or building structure shall be placed within the 50-foot buffer strip of part *a*. This statement shall be on all plats, site plans, and in the deed of affected lots. Drain fields and reserve drain field spaces shall be shown on the plats and site plans.

 - c. On agricultural lands, no row crops requiring tillage shall be permitted in the 50-foot buffer strip. The 50-foot buffer strip shall be managed to prevent concentrated flows of surface water from breaching the strip, and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be prevented from invading the buffer area. Permanent cover

crops that do not require seasonal tillage or pesticide application, such as hay crops, are encouraged in the buffer strip and may be harvested as they would be elsewhere.

The agricultural buffer strip may be reduced to a minimum of twenty-five (25) feet on each side of the stream when a water and soil quality conservation plan utilizing best management practices, and as developed and approved by the NRCS and the Piedmont Soil and Water Conservation District, has been implemented on the adjacent land. This reduction in buffer strip width may be applied only if the plan achieves water quality protection at least equivalent to that provided by the 50-foot buffer strip. The buffer area is not required for agricultural drainage ditches if the adjacent land has in place best management practices in accordance with an approved conservation plan.

The cost of County permits and fees required of landowners for installing agricultural best management practices in the SR district shall be forgiven by the County.

d. No structures owned by parties other than Prince Edward County or the Town of Farmville, or the appropriate water supply agency, shall be located within one hundred fifty (150) feet of the normal pool elevation of the reservoir. Such structures include residences, commercial and industrial structures, docks, boathouses, and all accessory buildings. No on-site sewerage system drain field or reserve drain field area shall be located within one hundred fifty (150) feet of the normal pool elevation of the reservoir. This reservoir setback shall be clearly shown on all plats, along with the statement “No structures, drain fields, or other facilities owned by parties other than the local government entity or the appropriate public water supply agency shall be constructed within the reservoir setback.”

e. Owners of property adjacent to the reservoir or perennial streams in the watershed are encouraged to adopt a conservation plan approved by the Piedmont Soil and Water Conservation District to exclude livestock from surface waters. Landowners should recognize that cost-sharing funds for such conservation systems are available from various state and federal agencies. Any such eligible cost-sharable expense not covered by available cost-share funds shall be paid by Prince Edward County.

f. Where landowners establish conservation practices included in a conservation plan approved by the Piedmont Soil and Water Conservation District that protect the waters in the SR district, any expense not covered by cost-sharing shall be paid by the County.

g. Landowners involved in agriculture have the option to contract with USDA or other agencies to receive rental payments on land placed in riparian buffers. When those rental payments cease, the County shall continue those rental payments for as long as the riparian buffer practices are in place.

2. Minimum lot area.

Minimum lot sizes for residential properties shall conform to the underlying district, plus the

space requirements for on-site sewerage system drain fields as indicated in Section 1300.06.3 below if that should impact lot size.

3. *On-site sewerage systems.*

Lots within the SR watershed district shall be required to meet drain field design and maintenance standards based on soil conditions as classified by the Commonwealth of Virginia Sewerage Regulations, as amended, and verified by the Prince Edward Health Department, and shall designate an area for one hundred (100) percent reserve drain field. Two septic tanks must be placed in series in the system first installed in new construction. Other types of on-site sewage disposal systems will be considered on a case-by-case basis by Prince Edward County in cooperation with the Virginia Department of Health.

- a. All drain field and reserve drain field spaces shall be shown on subdivision plats and project site plans.
- b. Each subdivision plat and site plan shall contain the following statement: “The Virginia Department of Health advises that septic tanks should be pumped every three (3) to five (5) years to maximize the life of the on-site wastewater area.”

Sec. 1300.07 Forestry and silviculture.

The Virginia Department of Forestry will provide oversight for all forestry and silvicultural activities in the SR watershed.

1. *Notification of commercial harvesting.* Section 10.1-1181.2 of the Code of Virginia refers to the Notification of the Commercial Harvesting of Timber. This law requires persons conducting timber harvesting operations to notify the Virginia Department of Forestry within three days of the commencement of harvesting operations, and is herewith included by reference in this ordinance.

2. *Silvicultural water quality.* Sections 10.1-1181.1 through 10.1-1181.7 of the Code of Virginia refer to the Silvicultural Water Quality Law. This law gives the state forester legal authority to protect water quality from sedimentation originating from silvicultural operations on any stream in Virginia, and is herewith included by reference in this ordinance. The publication *Virginia’s Forestry Best Management Practices for Water Quality* is recommended as a guide for conducting these operations.

- a. In addition to existing state law, harvesting and silvicultural operations in the Sandy River watershed shall require a one hundred (100) foot buffer on the reservoir, as measured from the full-pond water’s edge, and a fifty (50) foot buffer on all perennial streams. While some activities are allowed in this buffer including harvesting under Forestry Best Management Practices standards, 50% of crown cover shall be maintained within the buffer during an operational period.

3. *Silviculture and land-use taxation.* Forestland in the SR watershed shall be eligible for land-use taxation in Prince Edward County.

Sec. 1300.08 Golf courses.

Golf courses are permitted by special use permit in the underlying A1 Agricultural Conservation

zoning district. The following requirements will apply to any site development plan presented for such a permit:

1. A plan of the golf course layout will be submitted along with the site development plan, including:

- a. all planned construction areas,
- b. total acreage of fairways, greens, and tee areas,
- c. total acreage of impervious areas,
- d. proposed grading with underdrain system and outfalls shown.

The plan should be accompanied by an aerial or satellite photograph of the layout, at a scale no greater than 1" = 100'.

2. Engineering assessments will be submitted dealing with the various impacts of golf course construction on the watershed, including:

Wetland impacts

- a. identification of the potential impact on wetlands of clearing, filling, vegetation change, and drainage changes from roads, trails, and underdrain systems.

Surface water impacts

- a. mitigation of the impact of crossing stream buffers.
- b. assessment of nutrient loadings to the receiving streams and reservoir from stormwater runoff, and mitigation measures to reduce nutrient runoff.
- c. identification of potential impacts from outfalls for underdrain systems, stormwater management, drainage systems, or water hazards, with consideration of
 - i. temperature,
 - ii. pesticide use,
 - iii. nutrients from fertilizer use, and
 - iv. sediment delivery.

Groundwater impacts

- a. identification of soils susceptible to leaching, especially those with high water table or high permeability and those in areas where greens, tees, and hazards are proposed.
- b. identification of potential impacts of groundwater extraction for irrigation.

All assessments should include consideration of distance to stream or reservoir, slope, vegetation type, and nutrient application rate where applicable.

3. An integrated pest management plan shall be submitted, consistent with recommendations of the Virginia Cooperative Extension System.

4. A listing of proposed chemical applications (herbicides, pesticides, or soil amendments) shall be submitted along with a plan for their storage and handling, including:

- a. pesticide classification,
- b. application rates,
- c. toxicity,
- d. leachability, and
- e. environmental persistence.

5. A nutrient management plan shall be submitted, consistent with guidelines of the Virginia Department of Conservation and Recreation.
6. The site plan shall be developed consistent with the following standards:
 - a. Fairway stream crossings shall be held to a minimum number, and should cross approximately perpendicular to the stream. Crossings should be placed at the narrowest possible region of the stream or wetland.
 - b. Clearing, filling, or grading in buffers, wetlands, or floodplains shall be minimized.
 - c. Cart paths should be constructed with minimal disturbance, should not be located on steep or erodible slopes, and should be treated with a non-erodible surface treatment.
 - d. Greens and tees should be located in areas where maximum high water or bedrock is at least four feet below final grade.
 - e. Site design considerations should include:
 - i. selection of drought and disease resistant grass species for all plantings,
 - ii. use of biological pest control in preference to chemical control,
 - iii. selection of chemicals that are less toxic, less mobile, and have shorter environmental persistence.
 - iv. reduction or elimination of pesticide applications in sensitive areas.

Sec. 1300.09 Issuance of permits.

No building permit or on-site sewerage system drain field permit shall be issued for any property located within the SR watershed district unless the proposed activity is consistent with this section.