



Georgia Soil and Water Conservation Commission

4310 Lexington Road, Athens Georgia 30605 Phone (706) 552-4470 Fax (706) 552-4486

January 11, 2021

Dina Rimi
Community Development Director
City of Senoia

Dear Ms. Rimi:

This letter is in response to your inquiry concerning a single family development adjacent to state waters and the requirement for that development to have a state approved erosion and sediment control plan along with a buffer variance approved by the Environmental Protection Division.

O.C.G.A. 12-7-17(4) states:

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 subsection (b) of Code Section 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 this title. 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 subsection (b) of Code Section 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the issuing authority;

O.C.G.A. 12-7-6(15) establishes a 25 foot buffer along the banks of all state waters, therefore the proposed single family development could not encroach into the 25 foot buffer without receiving a buffer variance from the Director of the Environmental Protection Division.

Please contact me with any additional questions.

Sincerely,

Robert Amos
Conservation Manager Georgia Soil and Water Conservation Commission.

Mitch Attaway
Executive Director
Athens, Georgia

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Vice Chairman
Ocilla, Georgia

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