**PLEASE IDENTIFY WHICH RIPARIAN AREA PROTECTION RULE APPLIES:**

* Neuse River Basin (15A NCAC 02B.0233)

□ Major Variance □ Minor Variance

* Catawba River Basin (15A NCAC 02B.0243)
* Randleman Lake Water Supply Watershed (15A NCAC 02B.0250)

□ Major Variance □ Minor Variance

* Tar-Pamlico River Basin (15A NCAC 02B.0259)

□ Major Variance □ Minor Variance

* Jordan Lake Water Supply Nutrient Strategy (15A NCAC 02B.0267)

□ Major Variance □ Minor Variance

* Goose Creek Watershed (15A NCAC 02B.0606 & 15A NCAC 02B.0607)

1. **General Information**
2. Applicant’s Information(*if other than the current property owner*):

Name:

Title:

Street Address:

City, State & Zip:

Telephone:

Email:

1. Property Owner/Signing Official (*person legally responsible for the property and its compliance*):

Name:

Title:

Street Address:

City, State & Zip:

Telephone:

Email:

1. Agent Information:

3a. Name:

Company Affiliation:

Street Address:

City, State & Zip:

Telephone:

E-mail:

3b. Attach a signed and dated copy of the Agent Authorization letter if the Agent has signatory authority for the owner.

1. Project Name (*Subdivision, facility, or establishment name*):

1. Project Location:

5a. Street Address:

City, State & Zip:

5b. County:

5c. Site Coordinates (in decimal degrees): Latitude Longitude

5d. Attach an 8 ½ x 11 excerpt from the most recent version of the USGS topographic map indicating the location of the site.

5e. Attach an 8 ½ x 11 excerpt from the most recent version of the published County NRCS Soil Survey Map depicting the project site.

1. Property Information:

6a. Property identification number (parcel ID):

6b. Date property was purchased:

6c. Deed book and page number

6d. Map book and page number

6e. Attach a copy of the recorded map that indicates when the lot was last platted.

7. Is your project in one of the 20 Coastal Counties covered under the Coastal Area Management Act (CAMA)?

□ YES □ NO

7a. If you answered yes above, in which AEC do you fall (30 ft or 75 ft)?

7b. If you answered yes above, what is the total percent of impervious cover that you have proposed within the AEC?

1. Directions to site from nearest major intersection:

1. Stream associated with riparian buffer to be impacted by the proposed activity:

|  |  |
| --- | --- |
| Name | Water Quality Classification |
|  |  |

9a. **For Goose Creek only**: Is the buffer in the 100-year floodplain? □ YES □ NO

1. List any permits/approvals that have been requested or obtained for this project in the past (including all prior phases).

Date Applied: Date Received: Permit Type:

# Proposed Activity

1. Project Description

1a. Provide a detailed description of the proposed activity including its purpose:

1b. Attach a site plan showing the following items as applicable to the project:

1. Development/Project name
2. Revision number & date
3. North arrow
4. Scale (1” = 50’ is preferred)
5. Property/project boundary with dimensions
6. Adjacent streets and roads labeled with names and/or NC State Road numbers
7. Original contours and proposed contours
8. Perennial and intermittent streams, ponds, lakes, rivers and estuaries
9. Mean high water line (if applicable)
10. Wetlands delineated, or a note on plans that none exist
11. Location of forest vegetation along the streams, ponds, lakes, rivers and estuaries
12. Extent of riparian buffers on the land including Zone 1 and Zone where applicable
13. Location and dimension of the proposed buffer impact (label the area of buffer impact in ft2 on the plan)
14. Details of roads, parking areas, cul-de-sacs, sidewalks, and curb and gutter systems
15. Footprint of any proposed buildings or other structures
16. Discharge points of gutters on existing structures and proposed buildings
17. Existing drainage (including off-site), drainage easements, and pipe dimensions
18. Drainage areas delineated

# Proposed Impacts and Mitigation

1. Individually list the square footage of each proposed impact to the protected riparian buffers:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Buffer Impact Number1 –  Permanent (P) or Temporary (T) | Reason for Impact | Buffer Mitigation Required | Zone 1 Impact  (square feet) | Zone 2 Impact  (square feet) |
| B1 -  P  T |  | □ Yes □ No |  |  |
| B2 -  P  T |  | □ Yes □ No |  |  |
| B3 -  P  T |  | □ Yes □ No |  |  |
| Total Buffer Impacts | | | |  |

1Label on site plan

1. Identify the square feet of impact to each zone of the riparian buffer that requires mitigation from the table above. Calculate the amount of mitigation required.

|  |  |  |  |
| --- | --- | --- | --- |
| Zone | Total Impact  (square feet) | Multiplier | Required Mitigation  (square feet) |
| Zone 11 |  | 3  (2 for Catawba only) |  |
| Zone 2 |  | 1.5 |  |
| Total Buffer Mitigation Required: | | |  |

1For projects in the Goose Creek Watershed, list all riparian buffer impacts as Zone 1 and use Zone 1 multiplier.

### Provide a description of how mitigation will be achieved at your site pursuant to the mitigation requirements of the applicable river basin/watershed.

### 

### 

### 

### 

### 3a. Is buffer restoration or enhancement proposed? □ Yes □ No

### If yes, attach a detailed planting plan to include plant type, date of plantings, the date of the one-time fertilization in the protected riparian buffers, and a plan sheet showing the proposed location of the plantings.

3b. Is payment into a buffer restoration fund proposed? □ Yes □ No

If yes, attach an **acceptance letter** from the mitigation bank you propose to use or the NC Ecosystem Enhancement Program stating they have the mitigation credits available for the mitigation requested.

# Stormwater

1. Provide a description of how diffuse flow will be maintained through the protected riparian buffers (e.g., re-planting vegetation or enhancement of existing vegetation, gutter splash pads, level spreader to control of runoff from impervious surfaces, etc.).

1a. Show the location of diffuse flow measure(s) on your site plan.

1b. Attach a completed **Level Spreader** **Supplement Form** or **BMP Supplement Form** with all required items for each proposed measure.

1c. Attach an **Operation and Maintenance (O&M) Form** for each proposed level spreader or BMP.

1. **For Major, Catawba, and Goose Creek variance requests**, provide a description of all best management practices (BMPs) that will be used to minimize disturbance and control the discharge of nutrients and sediments from stormwater.

2a. Show the location of BMPs on your site plan.

2b. Attach a **Supplement Form** for each structural BMP proposed.

2c. Attach an **Operation and Maintenance (O&M) Form** for each structural BMP proposed.

# Demonstration of Need for a Variance

*The variance provision of the riparian buffer rules allows the Division or the Environmental Management Commission to grant a variance when there are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of riparian buffer protection.*

1. Explain how complying with the provisions of the applicable rule would prevent you from securing a reasonable return from or make reasonable use of your property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. The Division will consider whether the variance is the minimum possible deviation from the terms of the applicable Buffer Rule that shall make reasonable use of the property possible.

1. Explain how the hardship results from application of the Buffer Rule to the property rather from other factors such as deed restrictions or other hardships (e.g. zoning setbacks, floodplains, etc).

1. Explain how the hardship results from physical nature of the property, such as its size, shape, or topography, which is different from that of neighboring property.

1. Explain whether the hardship was caused by the applicant knowingly or unknowingly violating the applicable Buffer Rule.

1. **For Neuse, Tar-Pamlico, Jordan Lake and Goose Creek only:** Did the applicant purchase the property after the effective date of the applicable Buffer Rule and then request a variance?

1. Explain how the hardship is rare or unique to the applicant’s property, rather than the result of conditions that are widespread.

# Deed Restrictions

By your signature in Section G of this application, you certify that all structural stormwater BMPs required by this variance shall be located in recorded drainage easements, that the easements will run with the land, that the easements cannot be changed or deleted without concurrence from the State, and that the easements will be recorded prior to the sale of any lot.

# Applicant’s Certification

I, (print or type name of person listed in Section A, Item 2), certify that the information included on this permit application form is correct, that the project will be constructed in conformance with the approved plans and that the deed restrictions in accordance with Section F of this form will be recorded with all required permit conditions.

Signature:

Date: