



DATE: November 8, 2023

ISSUE SUMMARY: AMENDMENTS TO THE CHATTAHOOCHEE CORRIDOR PLAN

FROM: Nicole Hendrickson, Chair, Community Resources Committee

IMPORTANCE:

The Metropolitan River Protection Act, (Georgia Code 12-5-440 et seq.) requires ARC to prepare, adopt, and update the Chattahoochee Corridor Plan to protect the land and water resources of the Chattahoochee River Corridor.

In the past few years, there has been an increasing interest in pedestrian and bike trails near the river. While there is generally allowable public access in the current river buffers, a voluntary 500-foot-deep buffer in some parcels currently allows only utility easements. Staff believes allowing publicly owned or sponsored trails in this buffer will not impact River resources and the proposed amendments would allow such trails in the buffer.

There is also a need for active restoration work to maintain stable and fully vegetated riverbanks and buffers, as well as removal of invasive species, but such restoration work with subsequent revegetation is not allowed in the buffers and counts as land disturbance against properties. The proposed amendments would allow bank and buffer restoration using bioengineering techniques and invasive removal with revegetation with native species once all applicable approvals from permitting agencies and the affected local government are received.

In addition, the proposed increase in storage capacity in the Dog River Reservoir, a public water supply reservoir in Douglas County, requires increasing the height of the dam. The work would occur in the river floodplains, which have a 35-foot height limit for all structures other than bridges. The proposed amendments would exempt public water supply reservoir dams from that height limit.

ACTION REQUIRED: Adoption



**A RESOLUTION AMENDING:
THE CHATTAHOOCHEE CORRIDOR PLAN TO ADDRESS PUBLIC PATHS AND
TRAILS, STREAMBANK RESTORATION, INVASIVE SPECIES REMOVAL AND
PUBLIC WATER SUPPLY DAMS IN THE RIVER FLOODPLAINS**

WHEREAS, the Atlanta Regional Commission is a regional commission established pursuant to Article 2 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated; and

WHEREAS, the Metropolitan River Protection Act, at O.C.G.A. § 12-5-1443, requires such a commission prepare, adopt, and keep up to date one or more comprehensive coordinated land and water use plans for any major stream corridor which is the source of at least 40 percent of the water supply in any such area; and

WHEREAS, ARC initially adopted a Plan for the Chattahoochee Corridor on May 23, 1973, and most recently amended the Plan on September 23, 1998, effective October 1, 1998; and

WHEREAS, the amended Plan consists of the following documents:

- (a) a document entitled “Chattahoochee Corridor Plan,” attached to the adopting resolution of September 23, 1998, as amended;
- (b) a set of 23 maps entitled “Land Vulnerability” as adopted on May 23, 1973, and amended by Commission resolution on October 22, 1975, and which pertain to that portion of the stream corridor between Buford Dam and the Atlanta Water Intake Facility located immediately upstream of Peachtree Creek; and
- (c) a set of 24 maps entitled “Land Vulnerability” adopted by the Commission on September 23, 1998, and which pertain to that portion of the stream corridor between the Atlanta Water Intake Facility located immediately upstream of Peachtree Creek and the downstream limits of the Atlanta Region; and

WHEREAS, the Georgia Code 12-5-443, provides that the Atlanta Regional Commission may from time to time amend the Plan adopted by the Commission; and

WHEREAS, the Commission has recognized that updates to the adopted Plan are needed to address changing conditions; and for purposes of clarifying parts of the Plan and addressing legitimate uses in the Corridor not provided for in the Plan; and

WHEREAS, the proposed changes include allowing publicly owned or sponsored paths and trails within the extended 500-foot buffer along the River; and

WHEREAS, the proposed changes also include exempting restoration and enhancement of stream bank stability, vegetation, water quality and/or aquatic habitat, using techniques and methods listed in the Georgia Environmental Protection Division Streambank and Shoreline Stabilization document's Level 1 and 2 practices and the removal of invasive species and replanting of native species from the definition of land disturbance and the buffer zone restrictions; and

WHEREAS, the proposed changes include exempting water supply reservoir dams from the 35-foot height limit in the River 100-year and 500-year floodplains; and

WHEREAS, comments on these proposed changes have been invited from interest groups in the Corridor, from staffs of local governing authorities in the Corridor, and at public hearings in Cobb, Douglas, Forsyth, Fulton and Gwinnett counties;

NOW THEREFORE BE IT RESOLVED that the Atlanta Regional Commission hereby amends the Chattahoochee Corridor Plan as shown on the attachment where words in boldface and struck through are deleted and words in boldface and underlined are added, said amendments to take effect on November 8, 2023; and

THEREFORE, these shall be the only changes to the plan and shall be incorporated into the Plan document via this resolution.

I do hereby certify that the foregoing resolution was adopted by the Atlanta Regional Commission on November 8, 2023.

Charissa White-Fulks, ARC Executive Assistant/Assistant Board Secretary

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Amend Part 2.A.3.a. as follows:

- a. “Land disturbance” means “land-disturbing activity” as defined in the Metropolitan River Protection Act, this Plan, and the Commission’s Rules and Regulations. “Land disturbing activity” means scraping, plowing, clearing, dredging, grading, excavating, transporting or filling of land or placement of any structure or impervious surface, dam, obstruction or deposit. For purposes of computing land disturbance, any area within five (5) feet of a structure, impervious surface or other improvement (such as a building, retaining wall or cut and fill areas) will be considered disturbed.

“Clearing” means any removal or disturbance of existing vegetation.

All transportation rights of way and utility and drainage easements shall be considered cleared land. Conversion of pasture or other areas devoid of shrubbery or trees to lawn grass or, through reforestation, with tree plantings of adequate type and density as determined by the local governing authority, shall not be considered “clearing” unless the conversion takes place within the stream buffer zone **and is not replacement of invasive species as defined below.**

Restoration and enhancement of stream bank stability, vegetation, water quality and/or aquatic habitat, using techniques and methods listed in the Georgia Environmental Protection Division Streambank and Shoreline Stabilization document’s Level 1 and 2 practices and approved by the local governing authority and all permitting agencies shall not be considered “land disturbance.”

Removal of invasive species and replanting of native species using a plan that has been approved by the local governing authority and all applicable permitting agencies shall not be considered “clearing”.

Amend Part 2.A.3.c.(3)(a) as follows:

- (3) Upgrading: For sites adjacent to the Chattahoochee River and its impoundments, percentages of maximum land disturbance and maximum impervious surface may be adjusted upward by one vulnerability category if two additional water quality protection measures are taken. These are:

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- (a) permanently limiting all land-disturbance for the entire area under review, except utility line easements **and publicly owned or sponsored paths and trails**, to areas more than 500 feet from the River and its impoundments; and

Amend Part 2.B.4. as follows:

- 4. The standard project (or 500-year) floodplain, no structures, except for bridges **and public water supply reservoir dams**, shall have a height greater than thirty-five (35) feet above the natural, ungraded land surface. For the purposes of this paragraph, and as applied to structures with roofs, “height” means the vertical distance measured from the natural grade to the highest point of the coping of a flat roof, to the deck lines of a mansard roof or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For the purposes of this paragraph, “grade” is defined as the average elevation of the ground on all sides of a building or other structure or impervious surface.

Amend Part 2.C.1. as follows:

C. **Buffer Zone Standards.**

- 1. Vegetation shall be left in its natural state, and impervious surfaces shall not be permitted, for a distance of fifty (50) horizontal feet as measured from both banks of the Chattahoochee River and its impoundments, and for a distance of thirty-five (35) horizontal feet as measured from both banks of all other flowing stream channels within the Corridor, except for footpaths, designated public access areas, river or stream crossings by transportation facilities, public water supply intake structures, public wastewater treatment plant outfalls, **and utility line crossings, restoration and enhancement of stream bank stability, vegetation, water quality and/or aquatic habitat, using techniques and methods listed in the Georgia Environmental Protection Division Streambank and Shoreline Stabilization document’s Level 1 and 2 practices and approved by the local governing authority and all permitting agencies, and removal of invasive species and replanting of native species using a plan that has approved by the local governing authority and all applicable permitting agencies.**