

DRAFT CHATTAHOOCHEE CORRIDOR PLAN

PART 1: GOALS. POLICY. COVERAGE.

A. Goals

The goals of the Chattahoochee Corridor Plan (hereinafter also referred to as the “Plan”) are:

1. Preservation and protection of water quality as a principal objective.
2. Protection of recreational values. These values include scenic views, historic and other unique areas, and controlled public access and use.
3. Protection of private property rights of landowners.
4. Prevention of activities which contribute to floods and flood damage.
5. Control of erosion and siltation.
6. Control of intensity of development.
7. Location and design of land uses in such a way as to minimize the adverse impact of urban development on the Chattahoochee River (the “River”) and flood plains.

B. Policy

1. No regional-scale public facility constructed within the Chattahoochee Corridor (the “Corridor”) by or for a federal, state or local government or agency thereof will be considered to be consistent with the Chattahoochee Corridor Plan unless it is included in the relevant regional development guide adopted or amended by the Atlanta Regional Commission (the “Commission”) pursuant to Code Section 50-8-92. Any such public facility should be designed and constructed so as to be consistent with all applicable standards in the Plan unless specifically exempted from a given standard.
2. Additional transportation crossings of the Chattahoochee River within the Corridor should be minimized.
3. Any utility construction proposed should be carefully assessed to insure against physical and visual damage to the landscape. Utility easements, particularly at river crossings, should be coordinated and combined to minimize the number of individual easements and crossings needed. Areas of high scenic, historic or other unique value should not be permanently scarred.

4. Development should be fitted to the natural features of the site and may consider but not be limited to, slope, soils, drainage and vegetation, geology and aspect.
5. The location and intensity of development should be sited so as to minimize the negative effects of that development on water quality both during and after construction. Major considerations concerning water quality should include: organic pollution from infiltration and surface runoff; erosion and sedimentation; water temperature elevation; nutrients such as nitrogen and phosphorus; and toxic materials.
6. Flood plain storage should not be decreased from its present state. Examples of flood plain land uses that are consistent with this policy are: improved or unimproved outdoor recreation; at-grade parking; agriculture, horticulture and pasture, excluding temporary or permanent buildings; fences, provided that the type, design or location will not inhibit the flow of floodwaters; public and private utility lines; roads and bridges.
7. Land and water uses within the Corridor should be consistent and compatible with local government land use plans, the adopted Chattahoochee Corridor Plan, and regional development guides.
8. Projects submitted for review should not include boundary adjustments, out parcels or other strategies that have, or may have, the effect of being in conflict with the spirit and purpose of the Metropolitan River Protection Act and the Chattahoochee Corridor Plan.
9. In order for the Commission to find that a proposed land-disturbing activity, while not consistent with the Plan in all respects, will provide a level of land and water resource protection equivalent to a land-disturbing activity that is consistent with the Plan, the Commission shall consider legal, physical, biological or hydrologic conditions within the area under review that may prevent the achievement of full consistency with the Plan. The burden shall be upon the applicant to prove that a proposed land-disturbing activity will provide a level of land and water resource protection equivalent to a land-disturbing activity that is consistent with the Plan.

C. Coverage

1. It is the policy of the Commission that both public and private development proposals should be consistent with policies, principles and standards in the Plan. The Plan shall apply to:
 - a. any plan or proposal that involves governmental action, expenditure of public funds, use of public property, or the exercise of franchise rights granted by any public body and which potentially affects the area within the Atlanta Region within the Chattahoochee Corridor; and

- b. any plan proposal or action that involves any land-disturbing activity as defined in the Metropolitan River Protection Act including, but not limited to, scraping, plowing, clearing, dredging, grading, excavating, transporting or filling of land, or placement of any structure or impervious surface, dam, obstruction or deposit, except for those activities which are exempted from the provisions of the Act.
- 2. The Chattahoochee Corridor is hereby defined as “all land within 2000 feet of the banks of the Chattahoochee River, including any impoundments thereon, or within the flood plain, whichever is greater, from directly below Buford Dam downstream to the downstream limits of Fulton and Douglas counties, including the entire bed of the river and any improvements and all islands therein.”

PART 2: VULNERABILITY STANDARDS. FLOOD PLAIN STANDARDS.
BUFFER ZONE STANDARDS.

A. Vulnerability Standards.

1. All proposed development plans in the Corridor between Buford Dam and the downstream limit of the City of Atlanta water intake shall follow the land vulnerability analysis described in pages 22 through 35 of the Atlanta Regional Commission document entitled Chattahoochee Corridor Study (July 6, 1972) and mapped on a set of twenty-three (23) maps entitled “Land Vulnerability”, or shall include an identical analysis in greater detail. All proposed development plans in the Corridor between the downstream limit of the City of Atlanta water supply intake and the downstream limits of Fulton and Douglas counties shall follow the land vulnerability analysis described in the “River Corridor Protection” chapter of the Atlanta Regional Commission document entitled Chattahoochee River from Peachtree Creek to West Point Lake Corridor Plan Study (1998) and mapped by the Commission on a set of maps entitled “Land Vulnerability,” or shall include an identical analysis in greater detail. All such analyses are subject to Commission review and concurrence. All river flood plain areas shall be classified in the “E” vulnerability category and no reanalysis of vulnerability in the floodplain shall be allowed.

2. All proposed development plans shall conform to the vulnerability standards in the Vulnerability Table.

3. Vulnerability Table:

<u>Vulnerability Category</u>	<u>Percent Maximum Land Disturbance</u>	<u>Percent Maximum Impervious Surface</u>
A	90	75
B	80	60
C	70	45
D	50	30
E	30	15
F	10	2

- 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 approved by the local governing authority and all applicable permitting agencies shall not be considered “clearing”.

- b. “Impervious surface” means any paved, hardened or structural surface, regardless of material, including but not limited to buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, dams, tennis courts and other structures.
- c. Adjustments (including upgrading):

Areas to be protected through transfers or upgrading shall be recorded as a permanent easement or a covenant drawn in favor of the State of Georgia, or in such other way as to assure permanent non-development of the designated area.

- (1) **Transfers to Less Restrictive Category:** All or part of the amount of land disturbance and/or impervious surface allowable in one vulnerability category may be transferred to a less restrictive category within the area under review. No such transfers to floodplain land shall be permitted. Transfers will be on a square-foot for square-foot basis, except that transfers from “E” or “F” land may be made so that each square-foot transferred from “E” or “F” is assigned to the receiving (less restrictive) category as one-and-one -half (1 1/2) square feet. The applicant shall clearly identify and explain any proposed transfer.
- (2) **Transfers to Achieve Protection:** All or part of the amount of land disturbance and/or impervious surface allowable in one vulnerability category may be transferred to another vulnerability category or categories, on a square-foot for square-foot basis, in order to achieve protection of the following:

- (a) A unique natural feature, archeological site, historic site, endangered or threatened plant species or endangered or threatened wildlife habitat, as determined by and with the written concurrence of the Georgia Department of Natural Resources.
 - (b) The scenic viewshed, as determined by and with the written concurrence of the Superintendent of the Chattahoochee River National Recreation Area, National Park Service, or for those areas identified as scenic viewsheds in the “River Corridor Protection” chapter of the Chattahoochee River from Peachtree Creek to West Point Lake Corridor Plan Study or identified in the future by the affected local government, with the concurrence of the Commission.
- (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:
- (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
 - (b) Providing for permanent runoff control on the site such that the runoff rate from the site after development will not exceed the rate before development for a 10-year, 25-year and 50-year storm. The location and design of such measures shall be included as an integral part of the documents submitted to the Commission for review, after first being approved by the local government official responsible for erosion and/or drainage control, who shall be identified on the documents submitted to the Commission for review.

The total acreage of the property which may be upgraded shall not be greater than three times the acreage within the undisturbed area as required under Part 2.A.3.c.(3)(a). For the purposes of delineating the undisturbed area, its extent shall be described by a line parallel to and equidistant from the riverbank and which in no instance will be less than 500 feet from the edge of the River and its impoundments across the entire area under review.

B. Flood Plain Standards.

1. No structures or land uses that can significantly impede the natural flow of flood waters or reduce storage volume shall be permitted in the floodplain.
2. Cut and fill operations shall not cause any net increase in the surrounding natural flood elevation or impede the natural flow of flood waters at either the site itself or any adjacent or surrounding areas.
3. No greater volume of fill shall be deposited on or within the flood plain than the volume that can be created by compensatory cutting within the floodplain of the area included in the application. Fill volume shall be measured from the natural ground level to the natural flood elevation. Volumes of cut shall not be measured below the seasonal high ground water table elevation. The cut material need not be used as the fill material.
4. Within 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.

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.**
2. Subject and in addition to the restrictions set forth in Part 2.C.1. immediately above, impervious surfaces and structures shall not be permitted within, on or over any land that is one-hundred-fifty (150) horizontal feet or less from either bank of the Chattahoochee River and its impoundments, 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 water supply and sewerage manholes that are designed and built at grade, unless it is determined by the Commission, after

consideration by a Committee of the Commission as authorized by the Commission, and based in part upon the affidavit of, and substantial evidence submitted by, a registered professional engineer qualified in water quality and hydrology that the impervious surfaces and structures will not be harmful to the water and land resources of the Corridor, will not significantly impede the natural flow of flood waters and will not result in significant land erosion, stream bank erosion, siltation or water pollution.

3. Not including the impervious surfaces and structures that are excepted above, any impervious surfaces or structures that, in the judgment of the Commission, must legally be permitted within, on or over any land that is one-hundred-fifty (150) horizontal feet or less from either bank of the Chattahoochee River and its impoundments on lots of record as of March 16, 1973 for the portion of the Corridor between Buford Dam and the downstream limit of the City of Atlanta water intake, and on lots of record as of July 1, 1998 for the portion of the Corridor between the downstream limit of the City of Atlanta water intake and the downstream limits of Fulton and Douglas counties, which were designated by the local governing authority for a single-family detached residential use, shall meet the following standard:
 - a. For each one (1) foot incursion into the one-hundred-fifty (150) foot impervious surface buffer, one (1) foot of natural vegetation shall be added to the fifty (50) foot natural vegetation buffer. In the event that the Commission determines that legal, physical, biological or hydrologic conditions on the site prevent the addition of all the required natural vegetation, substitute measures satisfactory to the Commission shall be taken to provide an equivalent level of land and water resource protection.

PART 3. SEVERABILITY.

In the event any part, section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other parts, sections, subsections, sentences, clauses or phrases of this Plan, which shall remain in full force and effect, as if the part, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Commission hereby declares that it would have passed the remaining parts of this Plan if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.