

The Metropolitan River Protection Act and Amending the Chattahoochee Corridor Plan



Metropolitan River Protection Act (MRPA)

- Act adopted by Georgia General Assembly in 1973
- To protect the land and water resources of the Chattahoochee River
- Created the Chattahoochee River Corridor

Chattahoochee River Corridor

- Extends 2000 feet on both sides of the River and its impoundments
- Initially extended from Buford Dam to Peachtree Creek
- Expanded to the downstream limits of Fulton and Douglas County in 1998
- Total length is 84 miles

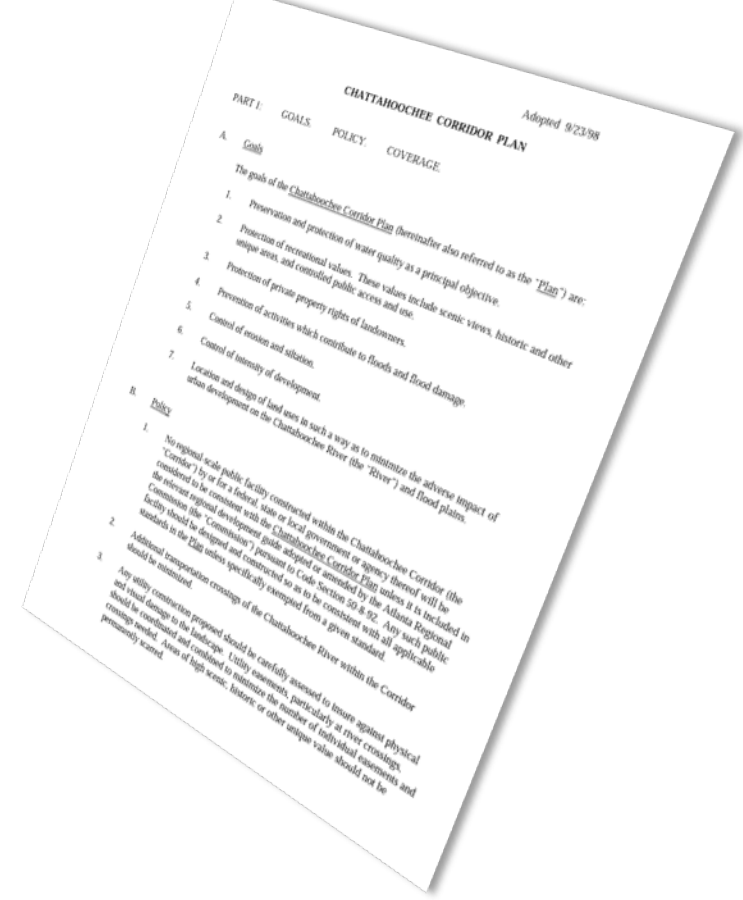
Chattahoochee Corridor Plan

Plan developed by ARC as required by the Act

Includes three sets of Standards:

- **Vulnerability Standards:** Apply to all land in the Corridor
- **Floodplain Standards:** Requirements in the river floodplain only
- **Buffer Zone Standards:** Along the river and some streams

All land-disturbing activity subject to review under these standards



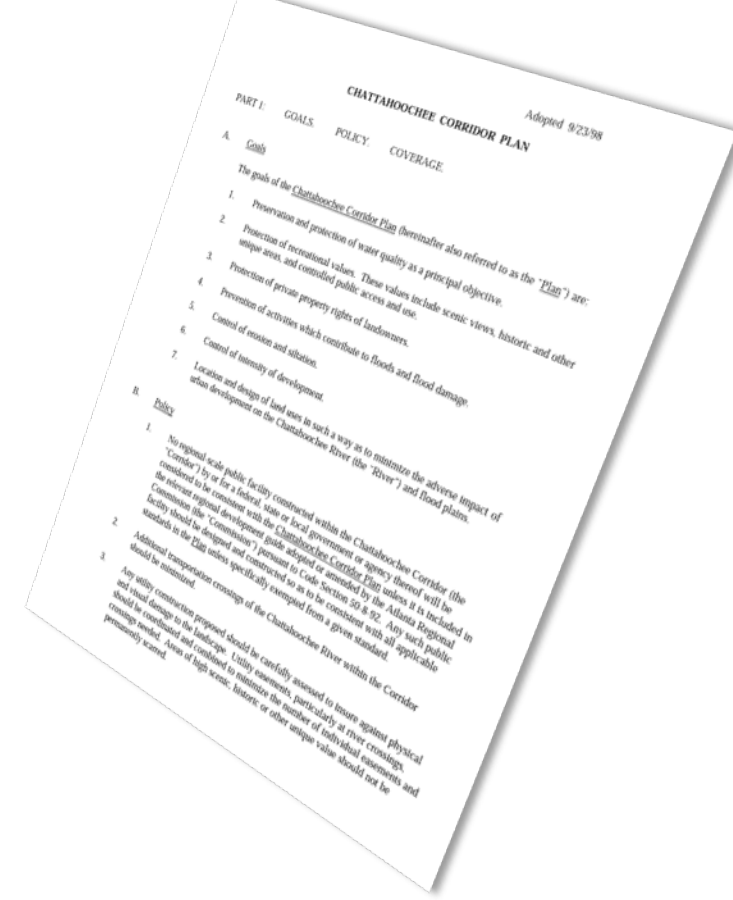
Chattahoochee Corridor Plan

Vulnerability Standards:

- ▶ Limit land disturbance
- ▶ Limit impervious surface
- ▶ Based on vulnerability of the land to development

Vulnerability based on factors such as:

- ▶ Soil erodibility
- ▶ Slope
- ▶ Vegetation
- ▶ Hydrology





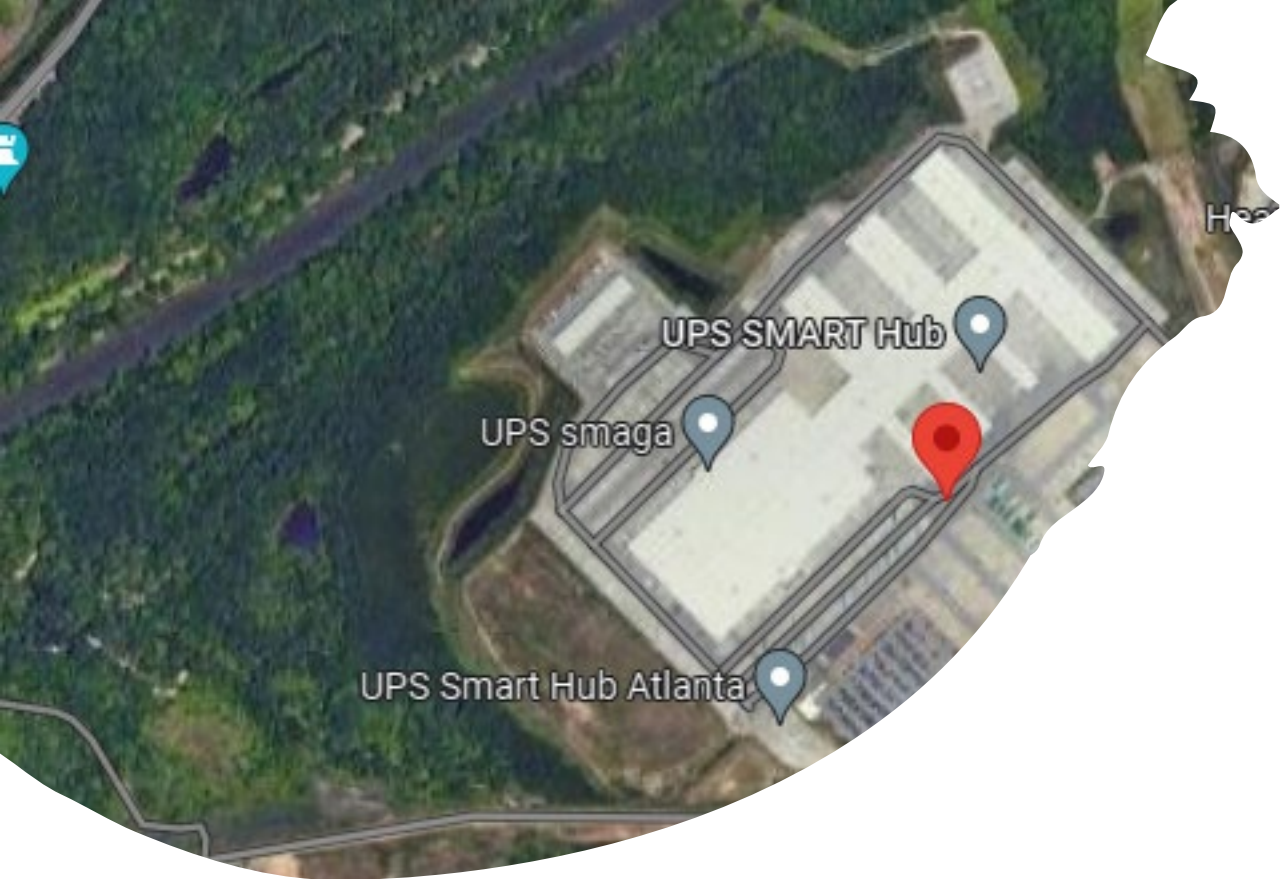
Standard Buffers on the River

- 50-foot undisturbed buffer
- 150-foot impervious surface setback
- Public access allowed in both buffer and setback
- Public Access applies to trails

Pre-Act Impervious in Buffers

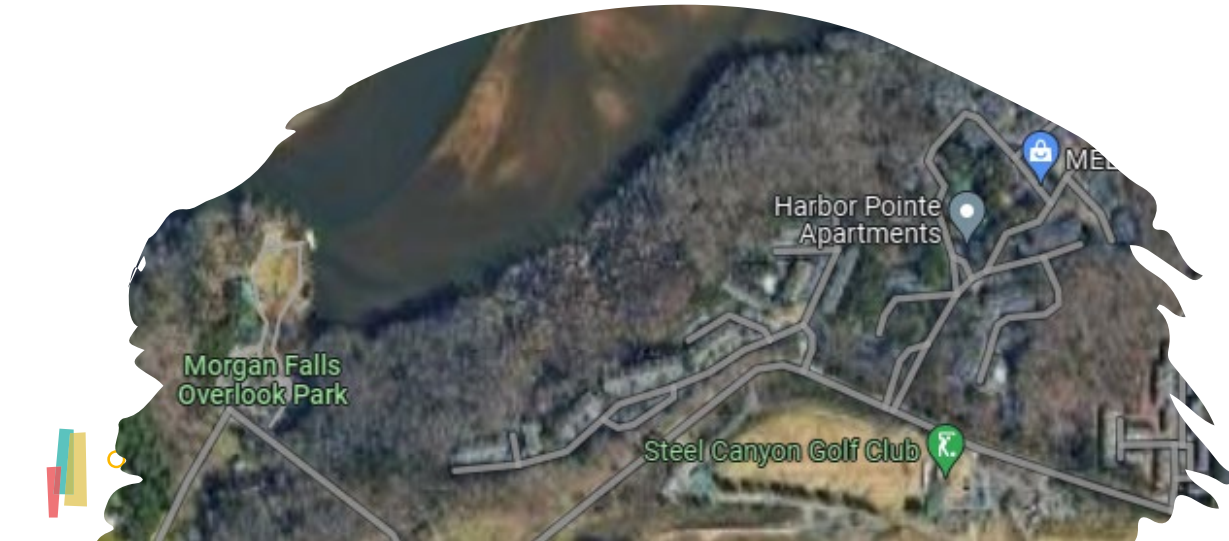
- Is treated as consistent with the Plan regardless of use
- Can be reused for trails
- Has been done successfully already
 - Cobb Riverlands Trail Proposal





Plan also Provides for an Extended Buffer

- Optional 500-foot buffer along the entire river frontage of submitted review property
- At the discretion of the property owner
- Allows development at higher density elsewhere on property
- Only utility line easements are allowed in 500-foot buffer



Riverlands and Local Trail Proposals are Increasing

- Some proposed routes would cross these 500-foot buffers
- Specific situation on Bull Sluice Lake in Sandy Springs
- Existing development needs to maintain buffer
- Only practical route is through buffer



Staff Opinion

- Limited, publicly owned and sponsored trails would not have a negative impact on the buffers or on the resources of the River
- Will require amending the Corridor Plan

Part II.A. of ARC MRPA Rules and Regulations

Includes Process for Amending the Plan

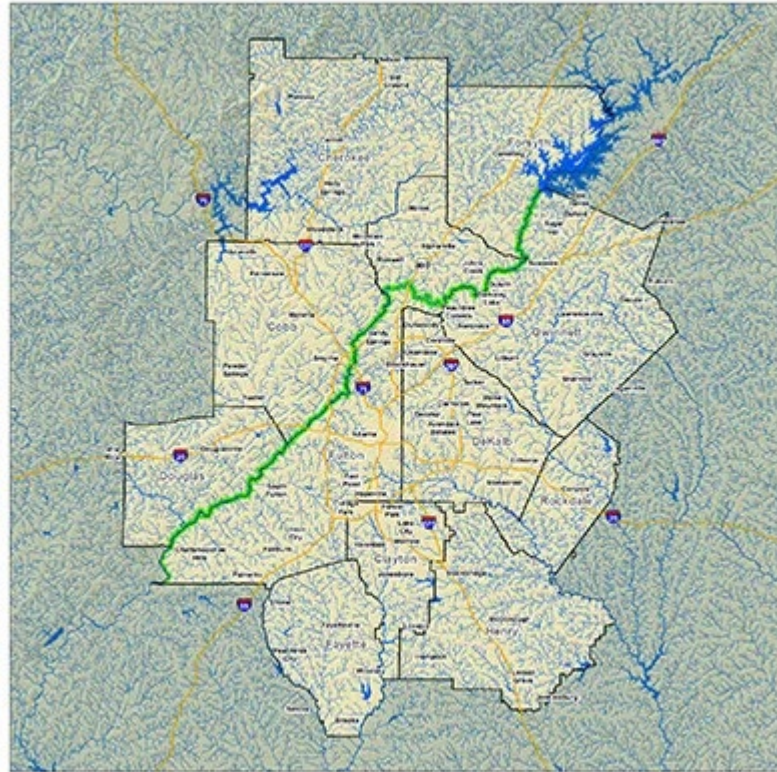
The amendment process requires the following:

- Consult with interest groups in the Chattahoochee Corridor
- Consult with and seek the assistance of the staff of each local governing authority where the land to be affected lies
- Hold a public hearing on the proposed revision in each county in which any land to be affected lies
- Cause notice of the time and place of each such public hearing to be published once a week for two weeks prior to the hearing(s) in one or more newspapers of general circulation in each county in which land to be affected lies
- Adopt the revision at a regular or special meeting of the Commission

All Local Jurisdictions in the Corridor Are Affected

Counties:

Cobb
Douglas
Forsyth
Fulton
Gwinnett



Cities:

Atlanta	Douglasville
Mableton	Smyrna
Berkeley Lake	Duluth
Peachtree Corners	Sugar Hill
Chattahoochee Hills	Johns Creek
Roswell	Suwanee
South Fulton	Sandy Springs



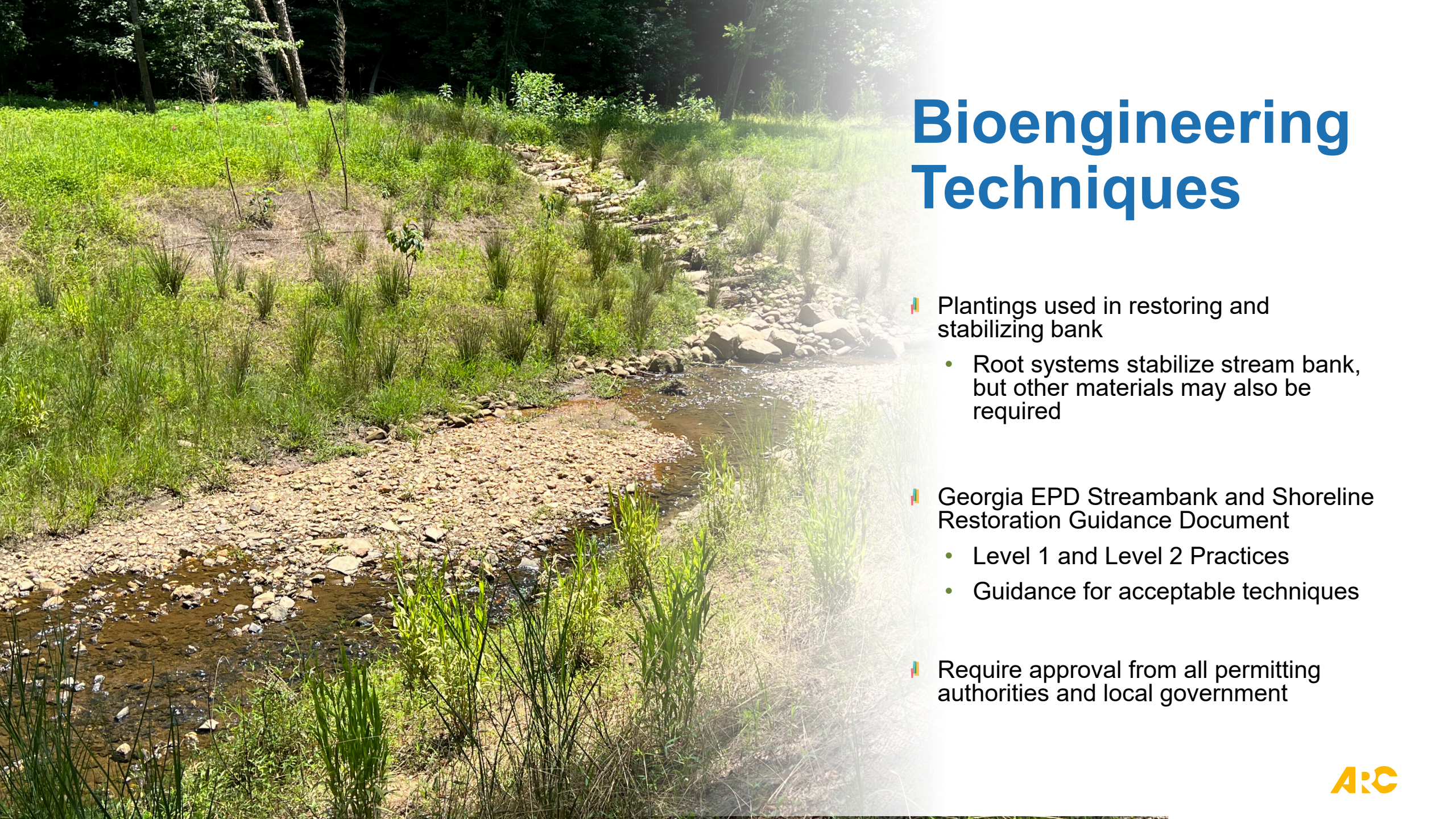
Additional Proposed Plan Updates

- ▮ Streambank restoration using bioengineering techniques
- ▮ Invasive species removal

Streambank Restoration

- Restores bank stability and vegetation
- Not specifically allowed in 50-foot buffer
- Currently treated as emergency maintenance
- New language would allow bank restoration in buffers using bioengineering techniques



A photograph of a stream with a rocky bed and grassy banks. The stream flows from the background towards the foreground. The banks are covered with green grass and some small plants. The water is clear and reflects the surrounding greenery. The background shows a dense forest with tall trees.

Bioengineering Techniques

- Plantings used in restoring and stabilizing bank
 - Root systems stabilize stream bank, but other materials may also be required
- Georgia EPD Streambank and Shoreline Restoration Guidance Document
 - Level 1 and Level 2 Practices
 - Guidance for acceptable techniques
- Require approval from all permitting authorities and local government



Invasive Species Removal

- Necessary for healthy buffers and woodlands
- No provision to allow buffer or disturbance exceptions for invasives removal
- Would allow removal and revegetation
 - Native species
 - Planting plans
- Require approval from local government, other agencies with jurisdiction

Updates Being Researched

▀ Synthetic turf

▀ Permeable paving



Researching Synthetic Turf

- Can be highly permeable
 - With correct substrate
- Researching parameters to ensure permeability
- Will still be considered land disturbance





Also Researching Permeable Paving

- Plan does not provide any credit for its use
- Defines impervious as “any paved hardened or structural surface regardless of material”
- Reviewing options and standards for application



DATE: October 11, 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 with no additional trail access. Staff believe allowing publicly owned or sponsored trails in this buffer will not impact River resources and the proposed amendments to the Corridor Plan which would allow such trails in the buffer.

In addition, there is 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 and with subsequent revegetation are not currently allowed in the buffers and count as land disturbance against properties. The proposed amendments would allow restoration using bioengineering techniques and invasive removal with revegetation with native species once all applicable approvals from permitting agencies and the impacted local government are received.

ACTION REQUIRED: Adoption



RESOLUTION BY THE ATLANTA REGIONAL COMMISSION AMENDING THE CHATTAHOOCHEE CORRIDOR PLAN TO ADDRESS PUBLIC PATHS AND TRAILS, STREAMBANK RESTORATION, AND INVASIVE SPECIES REMOVAL

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 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, 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 October 11, 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 October 11, 2023.

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

AMENDMENTS TO THE CHATTAHOOCHEE CORRIDOR PLAN

October 11, 2023

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 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:

AMENDMENTS TO THE CHATTAHOOCHEE CORRIDOR PLAN

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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.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.**