

**An Overview of the  
Metropolitan River Protection  
Act and  
Chattahoochee Corridor Plan**

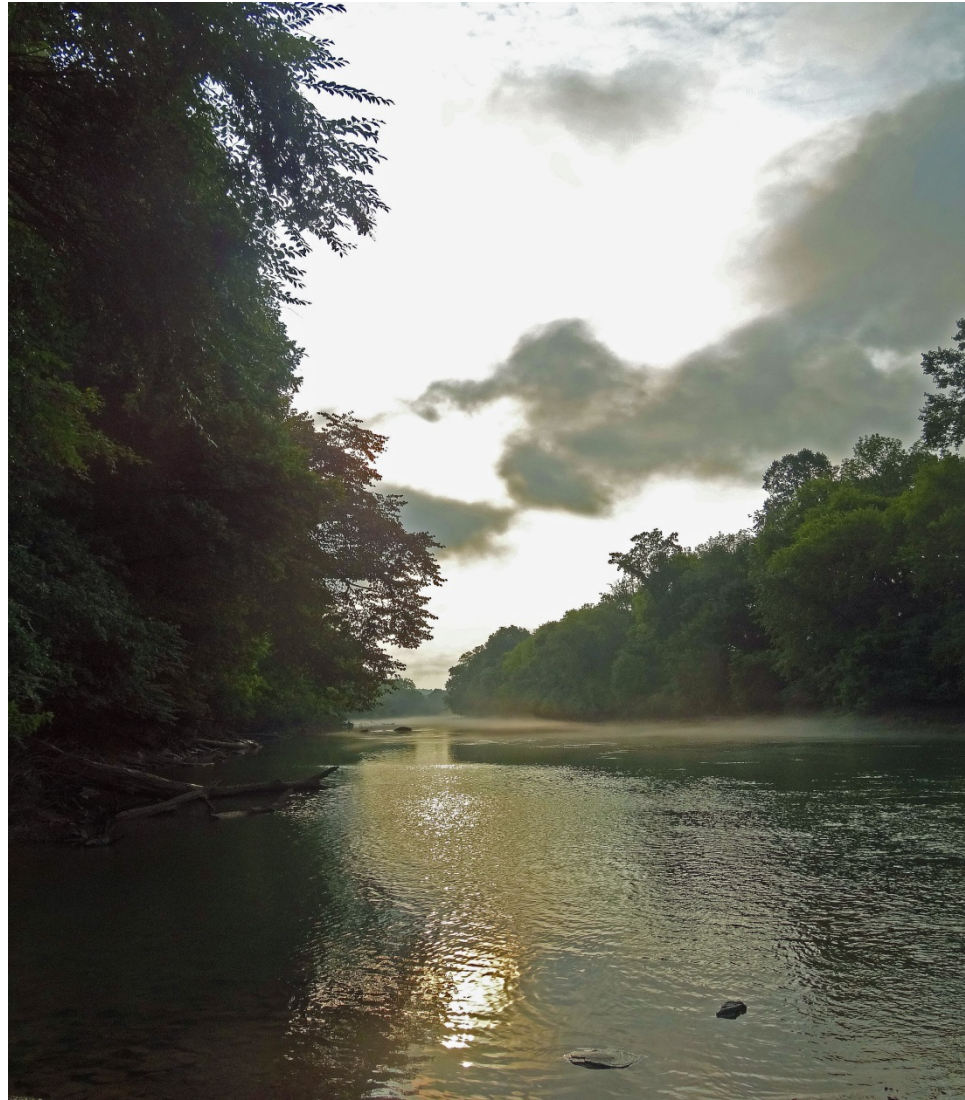
# The Chattahoochee River

- Source of more than 50% of Region's water
- Major recreation and greenspace resource
- Major trout fishery
- Growth along the river became a concern in the late 1960s and early 1970s
- Protection measures needed to protect water quality

## Fishing and Wading at Jones Bridge Park



# Chattahoochee River near Rogers Bridge



# Chattahoochee Corridor Study

- In 1972 ARC conducted a Study of the river and the surrounding lands
  - Studied the river's problems and their causes
  - Developed a plan for protecting the river and its resources working with the existing natural conditions
  - Identified possible lands for protection and sites for public access

## Natural Conditions on the River



# Study Led to Legislation

- Metropolitan River Protection Act
- Adopted in 1973
- Established the Chattahoochee River Corridor

# The Chattahoochee River Corridor



regional impact + local relevance

# Chattahoochee River Corridor

- Extends for 2000 feet on both sides of the Chattahoochee and its impoundments
- Originally ran from Buford Dam to Peachtree Creek
- Extended to the downstream limits of Fulton and Douglas Counties in 1998 Act amendment
- Includes parts of five counties (including Forsyth) and thirteen cities (including South Fulton)

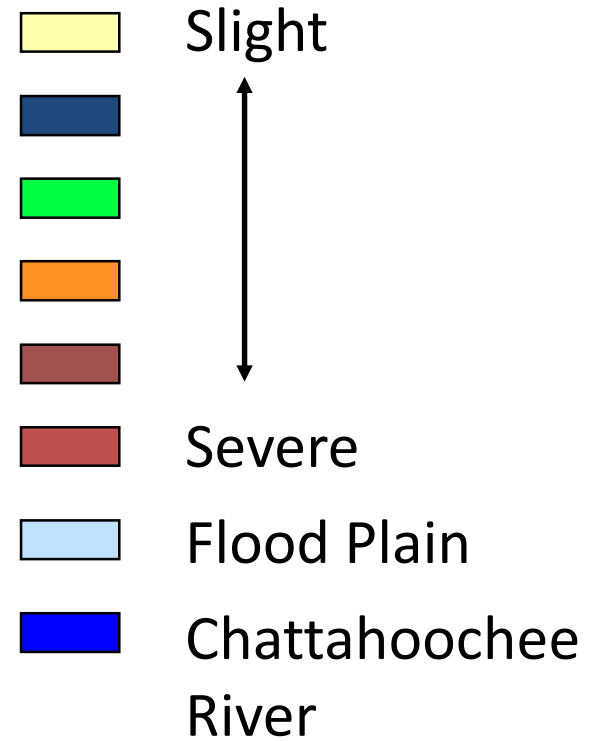
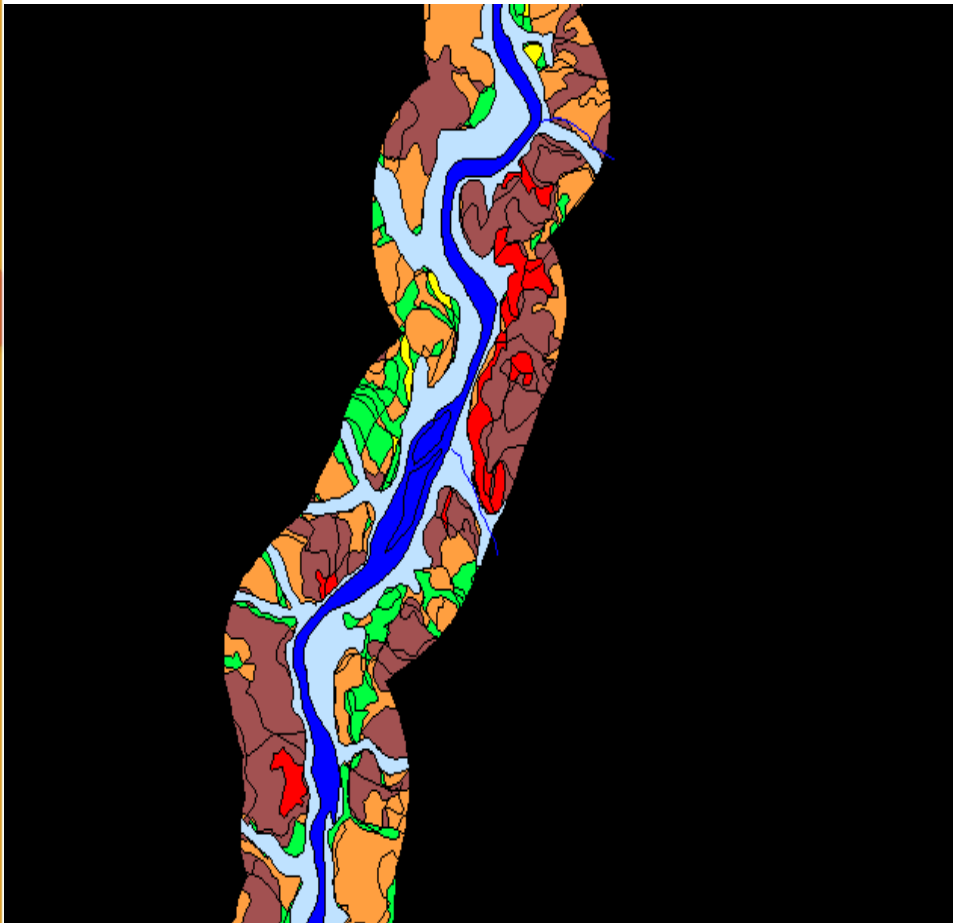
# Requirements in Corridor

- The Regional Commission must develop, adopt and implement a Corridor Plan
- All proposed land-disturbing activity must be reviewed under the adopted Plan
  - Sets development standards within Corridor
  - Standards must be met for consistency with Plan
  - Study adopted as Corridor Plan

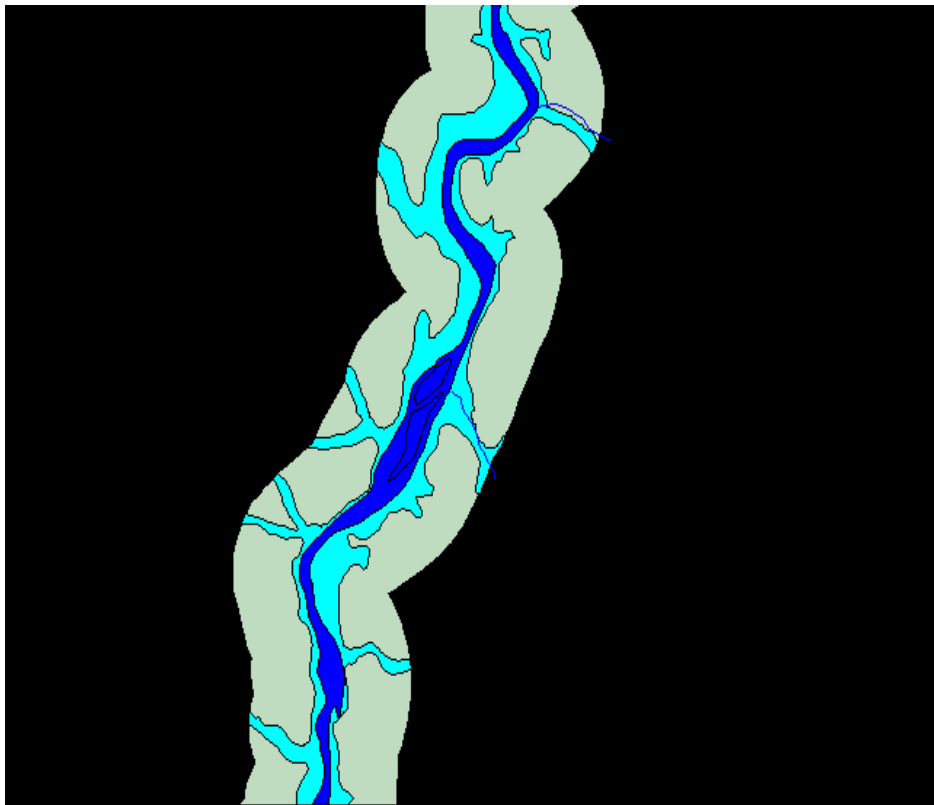
# Plan Standards

- Vulnerability Standards
  - Limit land disturbance and impervious surface based on land conditions
- Floodplain Standards
  - Balance cut and fill, height limits in river floodplain only
- Buffer Zone Standards
  - 50-foot undisturbed buffer, 150-foot impervious setback along river
  - 35-foot undisturbed buffer along tributary streams

# Composite Vulnerability



# Flood Plains



100-yr Flood Plain



2000 foot Corridor



Chattahoochee  
River

## Undisturbed Buffer and Setback



# Corridor Development Activity Must Be Reviewed

- Applications must meet all applicable Plan Standards to be consistent with the Plan
- ARC reviews an application and makes a finding based on consistency with Plan Standards
- Can be consistent or inconsistent with Plan
- Local government votes on whether to approve ARC finding

# Not Everything Requires Review

- Under the Act, the following activities do not require review:
  - Properly zoned agriculture & animal husbandry outside 50-foot buffer
  - Ordinary maintenance outside 50-foot buffer, except cutting trees over 2 inches diameter
  - Projects undertaken or financed by GDOT
  - “Grandfathered” projects

# What Is “Grandfathered”?

- Projects that were built or underway when Act took effect on the property
- Pre-Act development is treated as consistent
- New activity that increases disturbance or impervious, or requires rezoning is subject to review and must meet current Plan Standards

# Consistent Findings

- Consistent with Plan
  - Meets all applicable Plan standards – handled administratively
- Equivalent to a Consistent Project
  - Cannot meet all Standards due to pre-existing conditions and provides measures to offset problem – also handled administratively

# Sandy Springs Properties



# Inconsistent Findings

- Inconsistent with Plan:
  - Recommendations can be attached to finding
  - Recommendations must bring proposal into consistency or equivalent consistency and can include “No build”
  - Finding must be presented to CRC and Board as resolution

# Process for Inconsistent Reviews

- CRC, then full Board, must vote on resolution for this finding as required in Act whether or not there are recommendations
- If local government disagrees with recommendations, it must follow override procedure specified in Act

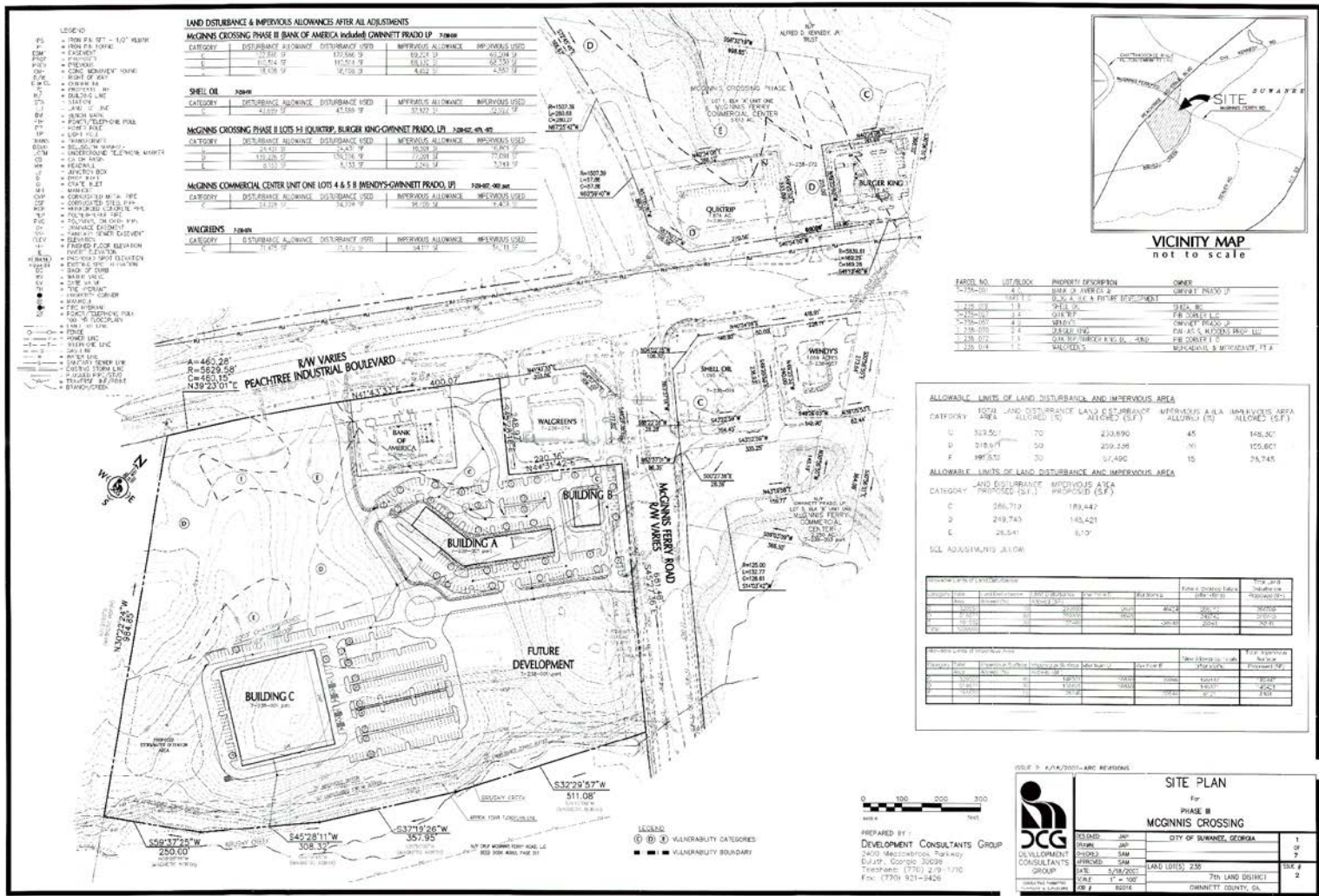
# ARC's MRPA Rules and Regulations

- Establish the inconsistent finding process
- In Section V.H.3:
  - “If the local governing authority’s designee is unable to obtain the applicant’s agreement in writing to modify the application pursuant to Section V.H.1 of these Rules and Regulations, the application shall be placed on the next regular or special meeting of the Commission following notice to the local governing authority, the applicant and the owner and consideration by the appropriate standing committee of the Commission.”



# 2007 Consistent Revision of 1998 Proposal

regional impact + local relevance

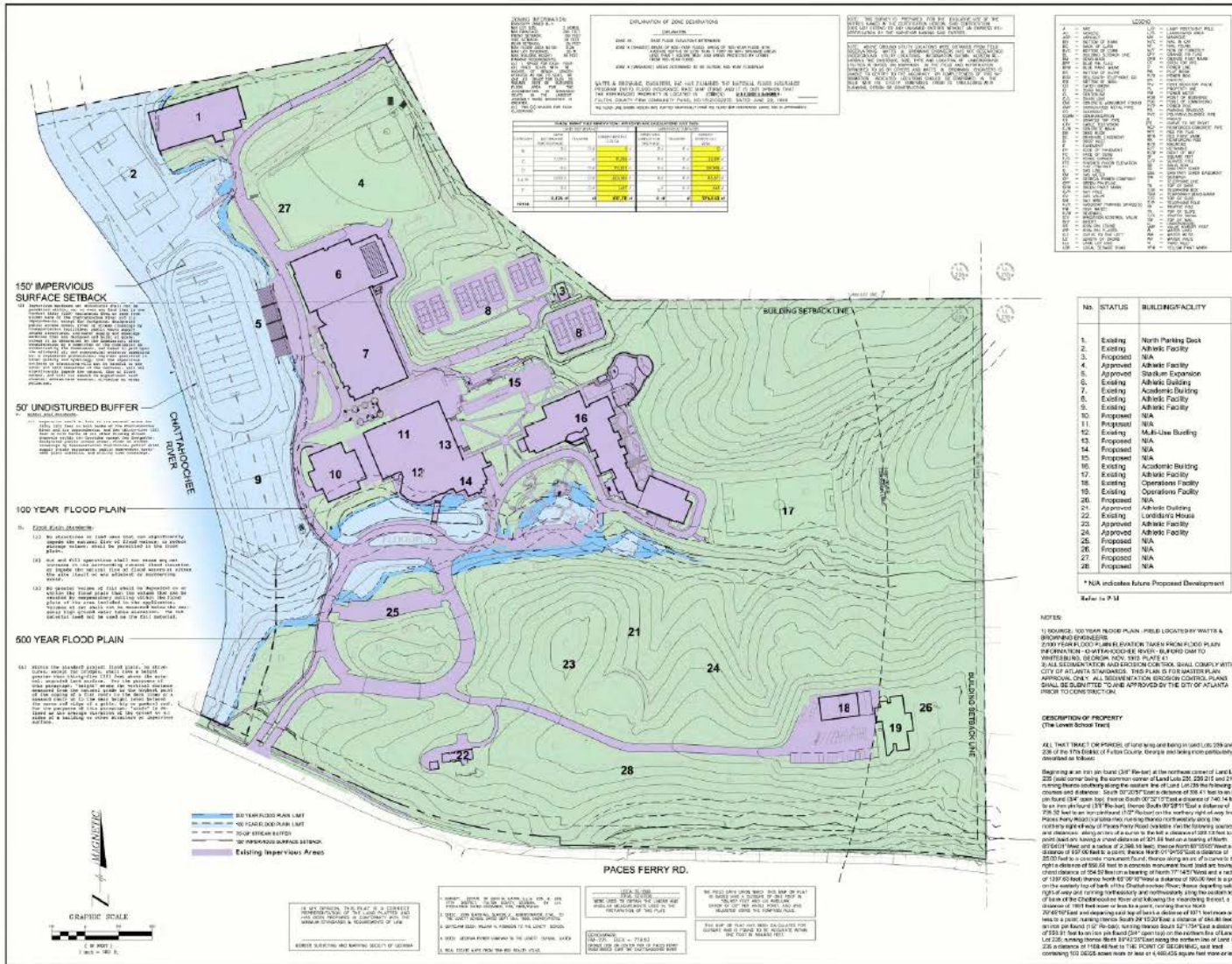


# Override Procedure

- Local Government must hold two public hearings
  - 2/3rds majority of full voting body must vote to override finding at both hearings, stating proposal is consistent or equivalent to consistent with Plan
  - After the first hearing, Georgia EPD Director must make written determination on ARC recommendation
  - If EPD upholds ARC recommendation, override cannot continue
  - Process has not been tested since EPD provision added to Act in 1987

# After the Review

- Local governments monitor development activity after review
- Compare proposals with approved plans
- Changes to design are possible
- Must remain within approved total limits



**HAGOR**

HUGHES GOOD O'LEARY & RYAN

**THE LOVETT SCHOOL**

ATLANTA, GEORGIA

10/09/00

REVISED: 10/09/00

DATE: 8/8/2000

PROJECT: 00028

CLIENT: 00038M

DRAWN BY: 8728

CHECKED BY: ASHSTON

SCALE: AS SHOWN

DATE: 8/8/2000

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# In Summary

- Act and Plan have been in place for nearly 44 years
  - Have continued to work as Region has grown and circumstances have changed
  - Have withstood several legal challenges
- Allow for development while protecting the land and water resources of the river
- Have helped to protect our most valuable natural resource and will continue to do so in the future

# Clear Water on the Chattahoochee



# ARC Contact Info

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