

**Etowah Regional Habitat Conservation Plan  
Steering Committee Meeting Notes**

July 23, 2004

Lumpkin County Community Center, Dahlonega

**Present:** Michelle Beesten, *Forsyth County*; Rodney Buckingham, *Pickens County*; Melissa Casteel, *City of Canton*; Robin Dake, *UERA*; Erin Dreelin, *UGA*; Kevin Flanagan, *Lumpkin County*; Laurie Fowler, *UGA*; Bud Freeman, *UGA*; Mary Freeman, *UGA*; Beth Gavrilles, *UGA*; Curt Gervich, *HCP*; Robin Goodloe, *US FWS*; Marjorie Hicks, *Biohabitats*; Mike Hobbs, *US FWS*; Mark Hutcheson, *City of Woodstock*; Dale Jones, *CH2M Hill*; Alice Miller Keyes, *Georgia Conservancy*; Lamont Kiser, *Bartow County*; Liz Kramer, *UGA*; David Kubala, *Cherokee County Water & Sewer*; Charles Laughinghouse, *Forsyth County*; Eric Martin, *Biohabitats*; Dorothy McDaniel, *Georgia Conservancy*; Audra Miller, *Forsyth County*; Norman Pope, *Pickens County*; Charles Richards, *City of Roswell*; Anthony Sasson, *TNC-Ohio*; Candace Stoughton, *TNC*; Sandy Tucker, *US FWS*; Mike Tuller, *Cobb County*; Lynn Tully, *Dawson County*; Seth Wenger, *UGA*.

**I. Introduction**

Anthony Sasson of the Ohio office of TNC, gave a brief overview of the Big Darby Creek management strategy, which shares similarities with the Etowah HCP. They are following our progress and finding our work extremely helpful.

**II. Stormwater and Better Site Design Technical Report**

Erin Dreelin presented an overview of the Technical Report. The BSD committee met from March – May 2004 and developed a model ordinance, site design guidelines, and a site design checklist.

**A. Ordinance** The ordinance focuses on on-site control of stormwater rather than conveyance. It is based on that of the North Georgia Metro Water District, but strengthened to include protection of imperiled species. Key differences from the Metro District ordinance include:

1. consultation is required early in the process, not just suggested
2. performance bond requirements are strengthened
3. performance criteria offer bigger bonuses as incentives to encourage on-site control
4. no net increase of stormwater runoff is mandated for sensitive areas (with variances allowed if, *e.g.*, groundwater contamination would result)
5. explicit maintenance requirements are included

**B. Site Design Guidelines.**

1. allow for greater flexibility
2. help developers meet ordinance requirements
3. may require building and zoning code revision

**a. Residential Streets**

- i. Narrowest possible streets encouraged
- ii. Manage stormwater as close to street as possible

- iii. Swales, bio-retention, permeable pavement encouraged
- iv. Right-of-way incorporated in to stormwater management
- v. Minimize cul-de-sacs
- vi. Don't require curb and gutter, use vegetated open channels
- b. Parking Requirements**
  - i. Modify parking space rations downward
  - ii. Set parking space number as a maximum, not minimum
  - iii. Allow/encourage shared parking
  - iv. Use landscape islands for infiltration for on-site management
  - v. Use permeable surfaces wherever possible
  - vi. Encourage garages rather than surface lots
- c. Residential Lot Development**
  - i. Don't require minimum lot size, use overall density
  - ii. Allow clustering by right
  - iii. Relax minimum setbacks and frontage requirements
  - iv. Make regulations for sidewalks and driveways more flexible
    - a) Allow alternate paths to serve as sidewalks
    - b) Don't require impervious pavement
    - c) Keep rooftop runoff on-site
- d. Conservation of Open Space**
  - i. Specify how common open space is managed, and who's responsible
  - ii. Ensure untreated stormwater doesn't flow directly into streams
- e. Implementation of Guidelines**
  - i. Revise local codes
  - ii. economic incentives
  - iii. facilitate meetings (early on) to encourage thinking of stormwater management holistically

### **C. Checklist**

1. will get government staff and developers on the same page
2. developers can mix and match BMPs; the more they do, the more credit they get

### **D. Discussion**

Laurie said that Erin had discussed these changes with the staff and consultants with the Metro District, and they had not problems with them. A question was raised about delineation of the sensitive areas; Erin replied that it will be done by the local governments based on the location of imperiled species populations, which is being determined by scientific studies. Another question was about the relative costs of these BMPs. Erin said that we do have some Etowah examples with cost data, which we will include in fact sheets. Laurie also explained that the UGA Land Use Law clinic will be focused entirely on HCP work this year, and is available to help any local governments with code review and revision. UGA can

provide as much support in terms of training, education, and outreach as the local governments want.

Questions were also raised about some of the specific recommendations. Regarding setbacks, Erin explained that the recommendations were based on the national fire code, and are flexible. She also pointed out that these recommendations were developed with lots of input from developers and engineers. Modeling is being done now to determine the reduction in stormwater runoff that the use of the different BMPs would cause.

Regarding parking requirements, the suggestion was made that banks need to be educated, because they often won't finance a project without a higher number of parking spaces per 1000 sf.

There was a discussion about applicability. Everyone agreed that they didn't want to put any barriers in the way of small businesses or the re-use of empty big boxes, and agreed that sections 1.2(1)a and 1.2(1)b were fine: for new or re-development, the creation (or addition or replacement) of 5,000 sf or more of impervious cover, or involving over 1 acre triggers applicability. The group agreed to remove section 1.2(1)c, a provision for redevelopment that adds an additional 1000 sf. Seth suggested that the Stormwater/BSD group create an educational document aimed at small businesses and homeowners (since they will mostly be exempt) to encourage them to use low-impact stormwater management.

Laurie also reported that we are waiting to hear from the Attorney General about funding mechanisms that could help cover the costs of enforcement.

The Steering Committee agreed that, with the above-noted change, the document should be brought to the local governments for adoption.

### **III. Erosion and Sedimentation Control Technical Report**

Rodney Buckingham of the E&S Technical Committee presented the report. The committee met from May through July. They focused on education and training, planning, monitoring and enforcement. The committee's recommendations are very similar to the state's and NPDES.

#### **A. Difficulties**

1. State limits possibilities (can't increase requirements, including for more training and education)
2. Rain events are unpredictable
3. Training and education don't always lead to desired result (participants aren't always convinced of the need)
4. Finances (many jurisdictions need more inspectors)

#### **B. Solutions**

##### **1. Education and Training**

This focused on BMPs. The committee filled out surveys on the effectiveness of the different E&S BMPs and came up with a list of useful,

marginal, and useless BMPs, along with common BMP mistakes. They agreed that knowing how and why the BMPs worked was important to prevent inadvertent mistakes in installation and management. Maintenance is one of the most important issues to emphasize. Also, they discussed making BMPs mandatory for “bad actors” (repeat violators) but voluntary for others. They also discussed possibilities for going beyond the state requirements.

## **2. Standard Operating Procedures**

These are based on practices already in use in the Etowah. They address pre-, during, and post-construction activities. These SOPs must be used together to be effective; they won’t be effective individually.

### **a. Bond required to cover cost of E&S BMP maintenance**

This is in use in the City of Kennesaw. The bond would be held for one year after construction is completed. It guarantees maintenance and can lead to quick clean-up of violations (since the builders won’t want the bond to be paid.) Still to be determined are:

- i. Location
- ii. Repeat violator provision
- iii. Length of bond term
- iv. Requirements for calling bond
- v. How it would be enforced

### **b. Semi-monthly reporting**

This is used in Bartow County. It requires the developer to check slopes and other sensitive areas, document with photos, and fill out a report every two weeks. These reports are then viewed by the government E&S inspector.

### **c. Weekly certified agent inspection**

This is based on Forsyth County’s model. Most jurisdictions have this written into their protocols, but don’t have the ability to actually do it. The focus should be on problem areas (outflow, sediment traps, slopes, etc.) The agent would also check the self-monitoring done by the developer.

### **d. Use Building Inspector authority to monitor E&S BMPs**

Building inspectors have this authority but it’s rarely used. Seven E&S questions would be added to the building inspectors’ check list for spot checks. If they see an E&S violation they would not be able to issue a permit. This is based on the Dawson County model, where building inspectors walk off a site without completing their inspection if they spot an E&S violation; the inspection then has to be rescheduled, and there is a charge for a re-inspection fee as well.

### **e. Pre-construction Meetings**

#### **i. Site plan review**

Meeting between developer, planners, engineers, E&S inspector to review plans for feasibility of E&S control.

**ii. Project coordination**

Meeting of the above along with utilities representatives. This includes going over where the BMPs will be located, should prevent utilities from inadvertently destroying BMPs. Increased coordination achieved by this process was deemed worth the time of the extra meeting. This model is in use in Pickens County.

**f. 24-hour on-call personnel**

This would be one person per site (not serving all the sites under construction by that developer.) The person must be clearly identified and the issuing authority must call the 24 hour contact.

**3. Additional recommendations**

**a. Mass grading ordinance**

**b. Continue looking into training and education**

**C. Discussion**

Laurie pointed out that the reason for creating model SOPs is that the state E&S law doesn't allow adoption of an E&S ordinance that goes beyond state requirements. Implementing the SOPs would require that each local government pass a resolution. Many of these SOPs are already happening, but informally. Laurie also mentioned that she will be conducting an E&S training for county attorneys in October.

Discussion focused mainly on the proposed weekly inspection requirement. The Steering Committee agreed that it is important to ensure that the money collected in E&S fees by the counties actually goes to E&S control, to pay for more inspectors, for example, not just into general funds. The Steering Committee felt strongly that not all sites need weekly inspections – some are inactive, for example – and some require more frequent checks.

The Steering Committee agreed to change the requirement to once every two weeks, but for the Technical Committee to develop guidance to help ensure that every jurisdiction has the capacity to respond as necessary to prevent problems.

**IV. Stream Buffer Technical Report**

Seth presented the technical report. The recommendations will be based on the Metro District ordinance, with a few changes. The Metro District ordinance calls for a 50 foot buffer with a 25 foot setback for impervious surfaces. Streams are defined by drainage area (although there is some lack of clarity in the definition.) Phase I locations have already adopted it; Phase II communities are scheduled to adopt it soon.

**A. Recommendations for Metro District governments**

Adopt, by December 31, 2004 if possible, the Metro District ordinance with three changes:

1. Clarify stream definition
2. Remove right-of-way exemption
3. Clarify and strengthen variance procedures.

Etowah Metro District counties that already have more stringent buffer regulations should maintain those.

**B. Recommendations for non-Metro District governments**

These jurisdictions (Lumpkin, Dawson, and Pickens Counties and the City of Dawsonville) met in August 2003 and agreed that 50 foot buffers were feasible and enforceable. It is recommended that they adopt an ordinance based on the Metro District ordinance, but without the 25 foot impervious setback (unless they want to retain that). The ordinance includes variance procedures and exemptions.

**C. Discussion**

The Steering Committee asked that information about the Etowah main stem's buffers (it is designated as a "major river" in some places, with 100 foot buffers) and the current buffer regulations of all the Etowah jurisdictions be included in the report.

Questions arose about the definition of "adequate mitigation" in the Metro District ordinance. The consensus was to wait to see what the state comes up with for mitigation rules; if they haven't done anything by next fall, the HCP will take up the issue.

Seth said that the Technical Committee will also look at a Floodplain ordinance.

The Steering Committee agreed to forward these ordinances to the local governments for adoption.

**V. Motion to recommend adoption of Technical Report recommendations by local governments**

Charles Laughinghouse moved that all three Technical Committee recommendations, with the amendments specified here, be forwarded to the local governments for adoption; the vote was unanimous in favor.

**VI. HCP Outreach: certification and training program proposal**

Curt presented an idea that grew out of the E&S training for judges. He suggested that the Steering Committee consider establishing a training program for other groups on technical aspects of the HCP. These would be hands-on trainings focused on the Etowah and HCP requirements. They would include legal and technical background and how-to information. They could provide continuing education credits for professionals. This would be voluntary, with a possibility of making it mandatory for bad actors. It could serve as a supplement to fines and/or stop work orders.

The Steering Committee agreed that this would be a great idea. It was suggested that if the program began as voluntary, the developers (and others involved) would push for it to be made mandatory. It would be good to have a watershed-wide standard, and also could be a way to help "brand" the HCP. The training is probably going to be popular, so the classes would need to be offered frequently. It could possibly be incorporated into the NPDES-required training.

The Steering Committee decided that a subcommittee should be formed to develop this idea. Robin Dakes and Lynn Tully volunteered to serve. It was suggested that Curt contact Richard King and/or David Bennett of SWCS to participate in developing the training program as well.

**VII. Next meeting**

Friday, October 22. Melissa Casteel will check into whether the restored theater in Canton is available. Topics to be covered:

- A. Prioritization map
- B. *Community Viz*
- C. "Where to Develop" report
- D. Attorney General's opinion on funding for enforcement
- E. Road crossings (report on meeting with GDOT to take place on 7/27)
- F. Report on certification program development