



Metropolitan North Georgia Water Planning District

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MEMORANDUM

TO: Local Governments in the Metropolitan North Georgia Water Planning District (“District”) that contain Protected Small Water Supply Watersheds

FROM: District Staff

DATE: December 10, 2020

SUBJECT: Technical Assistance for Implementing the Additional Stream Buffer and Setback Requirements for Small Water Supply Watershed Protection Action Item Integrated-7 in the District’s 2017 Water Resources Management Plan

Summary. The following table outlines the actions required by local governments under Action Item Integrated-7, as well as the related technical assistance offered by the District:

	Local Government Subtask	Technical Assistance / Required Action
1	Identify source water supply watersheds within its jurisdiction, as well as priority issues and areas for watershed protection, in coordination with local water provider.	District staff has performed this subtask for all local governments by mapping all areas of protected small water supply watersheds that are subject to additional buffers and setbacks. See the regional map in <u>Attachment A</u> . The District will provide zoomed in, specific maps upon request by local governments.
2	Adopt the Part V Environmental Planning Criteria, including adoption of drinking water supply watershed buffers in local ordinances.	Based on the information developed in Subtask 1, the District has identified and listed in <u>Attachment B</u> all local governments that must complete this subtask. Such local governments should amend their existing stream buffer ordinances to include the additional buffer and setback requirements for protected small water supply watersheds or adopt EPD-approved alternative minimum criteria. <u>Attachment C</u> includes new model ordinance amendment language for local governments using the District’s existing model stream buffer ordinance.

Definitions:

- “Water Supply Reservoir” – a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. In the context of this memorandum, this excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.
- “Small water supply watershed” – A watershed that has less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake or a non-federal water supply reservoir.
- “**Protected** small water supply watershed” – That portion of a small water supply watershed that includes the corridors of streams within a seven-mile radius upstream of a governmentally owned public drinking water supply intake or a non-federal water supply reservoir.

Background and Details. Georgia Department of Natural Resources (“DNR”) Rule 391-3-16-.01(7) requires 100-ft undisturbed buffers and 150-ft impervious surface setbacks for streams in small water supply watersheds within seven miles upstream of water supply intakes¹ and within seven miles upstream of water supply reservoirs, excluding federal reservoirs.

Buffers and setbacks are important for protecting our region’s water supplies. Based on this, the District’s 2017 Water Resources Management Plan included the Integrated-7 action item on water supply watershed protection, specifically focusing on the requirements for additional setbacks and buffers. There are other aspects of the DNR Rule 391-3-16-.01 that go beyond the intended scope of this action item and are not covered in this memorandum. The requirements for the 100-ft undisturbed buffers and 150-ft impervious surface setbacks are not newly created by Action Item Integrated-7, as they are specifically required by DNR Rule 391-3-16-.01(7).

The first subtask under this action item requires a local government to “[i]dentify source water supply watersheds within its jurisdiction, as well as priority issues and areas for watershed protection, in coordination with local water provider.” The District heard from local governments that this task is resource intensive and requires skillsets that not all local governments have available on staff. The District also understands that the Georgia Environmental Protection Division is fielding many questions about this action item. As a result, District staff has performed this subtask for all local governments by mapping all areas of small water supply watersheds that are subject to protection through additional buffers and setbacks, as shown in Attachment A. The District will provide zoomed in, specific maps upon request by local governments.

Based on the information provided in Attachment A, the District has identified those local governments that must take action to implement the additional buffer and setback requirements

¹ Rule 391-3-16-.01(10) provides alternative minimum criteria for water supply watershed protection that include variations on these buffer and setback requirements and several additional requirements impacting development. Given the stringency and complexity of these alternative options, the District is only providing technical assistance for implementing the simpler, clearer, and more effective requirement of 100-ft undisturbed buffers and 150-ft impervious surface setbacks in protected small water supply watersheds. Individual local governments may choose to implement alternative options at their discretion.

for protected water supply watersheds as required by Subtask 2 (see the list of local governments required to take action in Attachment B).

For simplicity and ease of implementation, District staff suggest that local governments should amend their existing stream buffer ordinances to include the additional buffer and setback requirements for protected small water supply watersheds. To simplify this process, Attachment C includes new model ordinance amendment language for local governments using the District's existing model stream buffer ordinance.

Local jurisdictions should note that the District's model ordinance amendment language uses the definition of stream from the existing District model stream buffer ordinance. The DNR rule uses a slightly different definition of streams for determining whether the buffers apply. Using two definitions of stream for two different buffers and setback requirements could be confusing to landowners. Additionally, the District's judgment is that the definition of stream in the existing District model ordinance provides a slightly higher level of environmental protection compared to DNR's definition.

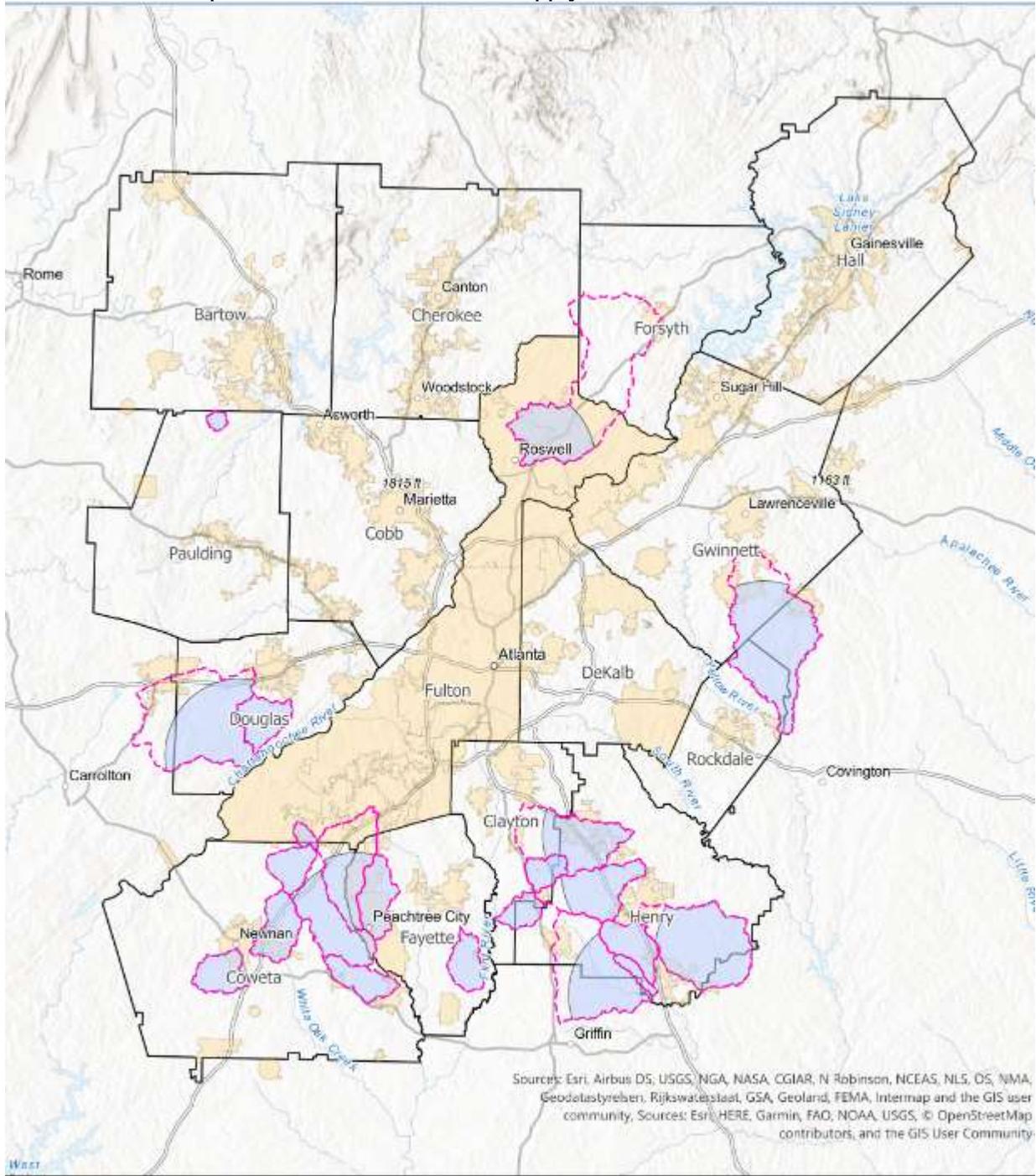
Like many District model ordinances, local governments may make modifications to the District's model ordinance amendment language to better fit their local stream buffer ordinance or if they desire to codify these additional requirements in a separate code section. Regardless of the approach a local government takes to comply with the Integrated 7 action item, the local governments listed in Attachment B must codify the requirement for the setback and buffer requirements for protected water supply watersheds as required by the DNR rule.

There are two other buffer and setback requirements in DNR Rule 391-3-16-.01 that are not covered in the District's model ordinance amendment language for the reasons set forth below.

- First, the DNR rule requires 50-ft undisturbed buffers and 75-ft impervious surface setbacks for streams in small water supply watersheds outside of a seven-mile radius. Local governments in the District are already required to have 50-ft buffers and 75-ft setbacks for all streams in their jurisdictions by Action Item Watershed-4 in the District's plan. Therefore, this requirement is covered by existing local stream buffer ordinances across the District.
- Second, the DNR rule requires 100-ft undisturbed buffers and 150-ft impervious surface setbacks in large water supply watersheds within a seven-mile radius upstream of water supply reservoirs owned by local governments (reservoirs other than US Army Corps of Engineers Reservoirs). Given all such local government reservoirs in the District are in small water supply watersheds, buffers and setbacks required for large water supply watersheds do not apply.

Attachment A

Map of Protected Small Water Supply Watersheds in the District



- District Counties
- District Cities
- Protected Area
- - - Small Water Supply Watersheds

0 5 10 20 Miles

Attachment B

List of Local Governments with Streams in
Protected Water Supply Watersheds

<p>Clayton Unincorporated Areas</p> <p>Coweta Unincorporated Areas Newnan Senoia Sharpsburg</p> <p>Douglas Unincorporated Areas Douglasville</p> <p>Fayette Unincorporated Areas Tyrone Woolsey</p> <p>Fulton Alpharetta Chattahoochee Hills Johns Creek Milton Palmetto Roswell</p>	<p>Gwinnett Unincorporated Areas Snellville</p> <p>Henry Unincorporated Areas Stockbridge McDonough Locust Grove</p> <p>Paulding Unincorporated Areas</p> <p>Rockdale Unincorporated Areas Conyers</p>
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Attachment C
District Model Ordinance Amendment Language
for Protected Small Water Supply Watershed Buffer and Setback Requirements

This language is drafted as an insert to the Metropolitan North Georgia Water Planning District’s model stream buffer protection ordinance (“District Model Ordinance”), which sets forth the requirements for the general 50 ft buffer and 75 ft impervious setback that applies to all streams in the District.² If a local jurisdiction has adopted a modified version of the District Model Ordinance, these proposed amendments will need to be adjusted to fit with such modifications.

1. Additional Definitions. Section 3 of the District Model Ordinance shall be amended to add the following definitions in the appropriate alphabetical order:

“Non-Federal Water Supply Reservoir” means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

“Protected Small Water Supply Watershed” means the corridors of streams in a small water supply watershed within a seven-mile radius upstream of a governmentally owned public drinking water supply intake or a non-federal water supply reservoir. A map of the Protected Small Water Supply Watersheds is available upon request from the *[local jurisdiction]* based on the regional map prepared by the Metropolitan North Georgia Water Planning District.

“Small Water Supply Watershed” means a watershed that has less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake or a non-federal water supply reservoir.

2. Effective Date of Amendment. The applicability provisions in Section 4 of the District Model Ordinance shall be amended by adding this sentence to the end of the paragraph: “When applying the provisions of this ordinance to buffer and setback requirements in protected small water supply watersheds, the effective date for these requirements shall be *[insert date of amendment]*.”
3. Additional Buffer Requirements. The buffer requirements in Section 5.1(1) of the District Model Ordinance shall be amended by adding the following parenthetical after the reference to 50 feet - “(or 100 feet in protected small water supply watersheds)”.
4. Additional Setback Requirements. The setback requirements in Section 5.1(2) of the District Model Ordinance shall be amended by adding the following parenthetical after the reference to 25 feet – “(or 50 feet in protected small water supply watersheds)”.
5. Additional Site Plan Requirement. The site plan requirements in Section 7(1)(a) of the District Model Ordinance shall be amended by adding the following phrase before the semicolon: “and whether such streams are located within a protected small water supply watershed, which means they are subject to the 100-ft buffer plus 50-ft setback requirement”.

² A copy of the District’s existing model ordinance is available here: <https://northgeorgiawater.org/wp-content/uploads/2018/08/Stream-Buffer-Protection.pdf>.