

A CASE STUDY OF THE ESTABLISHMENT AND REVISION OF WATERSHED REGULATIONS FOR DOUGLAS COUNTY, GEORGIA

Cheryl A. Dean

AUTHOR: Senior Regional Planner, Appalachian Council of Governments, 50 Grand Avenue, P.O. Drawer 6668, Greenville, SC 29606. Telephone: (864) 242-9733, e-mail: dean@acog.greenville.sc.us

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Abstract. The Planning and Zoning Department for Douglas County, Georgia, at the request of its Board of Commissioners, has been working on a complete reorganization of all development regulations, including the creation of new regulations and procedures. This reorganization, entitled The Unified Development Ordinance, covers all facets of development from zoning to site plan review to landscaping requirements, etc., and provides "one stop shopping" with regard to principles and procedures. During this re-write project, the Board of Commissioners made a request that a Watershed Task Force of citizens be assembled to assist staff with principles and procedures specifically in the County's water supply watershed basins. This Task Force has addressed issues relating to zoning, dimensional criteria, alternative options for development and enforcement.

INTRODUCTION

Douglas County is located in northwest Georgia, bounded by Cobb and Paulding Counties to the north, Fulton County to the east, and Carroll County to the west and south. The Chattahoochee River is the physical boundary between Douglas and Fulton Counties. The County, approximately 200 square miles in size with a population of approximately 87,000, is located 20 miles west of the metro Atlanta area and is a member of the 10-county Atlanta Regional Commission.

The Douglas County Code of Ordinances is the product of numerous amendments to a document originally adopted on March 11, 1976. While there have been a number of amendments to the code, the original format and regulatory substance remains the same. With the adoption of the Douglas County Comprehensive Plan in December of 1994, it became essential to revitalize the code to make it consistent with the County's Plan. It also became important to update the code to accommodate a growing and changing community. Douglas County has doubled in size since the code's initial adoption, making it difficult to effectively apply rural regulations to a community experiencing urban growth pressures, especially when the regulations are not consistent with the County's Plan. The new, unified development code, when adopted, will provide the County with a path to guide development in Douglas County well into the twenty-first century.

REVISION OF WATERSHED PROTECTION ORDINANCES

Original Regulations. The original watershed regulations for Douglas County were the result of exhaustive efforts by the County staff and Commissioners to protect the drinking water for the

County. At that time, 1976, the goal of the County was to protect the Dog River and Bear Creek basins, located in the southwest portion of the County. The Douglasville-Douglas County Water and Sewer Authority had located its water supply intake facilities in this area to serve the entire County, and there was a great deal of pressure to adopt stringent development regulations in the basins. The County, as a result, adopted the overlay zoning requirements, which are used in the Code today with minor revisions. The emphasis on water protection was based on density and use restrictions, setbacks from waterbodies and a one hundred (100) foot undisturbed buffer on either side of a creek or stream in the watershed. Not only are these regulations more strict than State requirements, they rival other watershed protection ordinances throughout the country.

Impetus for Change. In the spring of 1995, after receiving pressure from developers on numerous occasions, the Board of Commissioners requested the Planning staff to begin research to see if watershed regulations could more evenly balance development with protection. However, attempts to change the regulations were choppy, leaving out such relevant issues as zoning, subdivisions and platting, soil erosion and sedimentation, and enforcement. Therefore, it was decided that the watershed regulations would be part of the unified development ordinance, in which all County regulations would be coordinated and cross-referenced.

Process for Revision. In order to determine whether changes in the watershed regulations were needed, a significant amount of research was compiled on watershed regulations throughout the United States. In addition, several meetings were held with other departments including Engineering and Environmental Health, as well as outside agencies such as the Environmental Protection Division of DNR, the Atlanta Regional Commission, and the regional office of the Natural Resource Conservation Service. Many of the representatives from these offices attended commission meetings in the County to assist with public discussions. Draft documents were prepared and distributed to these representatives for their comments. Final revised drafts were then given to the Board of Commissioners for review.

To improve the draft regulations and ensure that they were consistent with the needs of the community, the Board of Commissioners instructed Planning staff to advertise in the local newspaper the creation of a Watershed Task Force. The Task Force was to be composed of interested citizens and business owners concerned with water quality issues. Initially, the group

would have three meetings and then decide whether there was a need and an interest in continuing the group. The group consisted of a mix of engineers/developers, who wanted to see more flexibility in land development, and many second generation residents, who remembered when I-20 stopped at Highway 5, which was mostly an unpaved roadway. After the first meetings, the concerns and differing perspectives among group members dictated a need to continue the meetings until full understanding of the issues and a consensus regarding changes to the regulations were reached. The group has now been meeting for almost a year and is interested in becoming a full-time appointed board.

One of main areas of concern by both Task Force factions was the draft ordinance on open space development. Planning staff had done extensive research on the principles of Randall Arendt, well known across the country for developing open space design projects. Open space development would compliment the protection of the watershed area. While the Task Force agreed on the idea of open space, there seemed to be a great deal of confusion as to how an open space projects is actually developed. To clarify issues related to open space development, and with complete sponsorship of businesses and agencies, a one day environmental symposium was organized. Several speakers, well known the water quality field, were invited to participate:

- Randall Arendt (Natural Lands Trust)
- Sally Bethea (Chattahoochee Riverkeeper)
- Laurie Fowler (GA Environmental Policy Institute)
- Lisa J. Hollingsworth, PG, AICP (Chattahoochee-Flint RDC)
- Bill Ross and Connie Cooper (Cooper-Ross sv)
- Chaunkee Venable (developer, Orange Shoals Greenbelt Community)

About one hundred people attended the symposium. Using slides, overhead drawings and hands-on group charrettes, the speakers were able to show how development and protection can strike a balance in environmentally sensitive areas.

Following the symposium, a newly revived task force set about to review the drafted documents (the Open Space and Watershed Protection ordinances). The task force was skeptical about open space development and the ability of developers to set-aside land to be protected by a home owners association or land trust. The main concern was the ability of the County or an established land trust to enforce the regulations associated with these ordinances. The task force wanted to be certain that all aspects of watershed protection were coordinated and cross referenced, with strict penalties for those not in compliance.

Status of the Watershed Task Force. Just prior to Christmas, 1996, the task force had reviewed the Watershed Protection ordinance and the Code Compliance ordinance, providing positive feedback and recommendations to Planning staff. Discussion was begun on the intent of the Open Space ordinance. Some of the Task Force members have concerns that set-aside land with smaller lots located in the "high and dry" land would promote higher density. In addition, there is a general concern that the set-aside land could be sold and developed in the future. The land trust issue was discussed at the last meeting, however not everyone is comfortable with how a land trust works. One suggestion, by an engineer, was to make open space development a zoning district,

requiring developers of open space projects to submit a plan with the rezoning request. This recommendation, positively received by the Task Force, would require a complete redraft of the ordinance. No final recommendations were made on the Open Space ordinance and the task force is planning to meet again sometime in January 1997.

LESSONS LEARNED

Overall, I believe the process for assessing and revising Douglas County's regulations and the active participation of the citizen's advisory Task Force was a success, although it required a great deal of effort. It is very difficult to accommodate so many people with differing agendas, i.e., the Water and Sewer Authority, the property owners trying to sell land to developers, the developers and engineers, the residents in the watershed who want to close the door on development, and the environmental experts. Everyone wants to make a change for the better, but everyone has a different formula for what constitutes "better."

I think it was better to have something drafted and ready for review by the committee, rather than forming a task force at the very beginning of the draft process. As it turned out, the task force wants to start one of the ordinances over from scratch. I felt that having something for the group to start with and review kept them focused on the reason for the changes. The drafts gave the task force a direction, and without it, I think the process would have taken a significantly longer amount of time to get to where the group is today.

In hind-sight, I think inviting each one of the Board of Commissioners to attend a scheduled meeting would have helped the Task Force feel more comfortable with its role in the process. Many of the members seemed concerned that the Commissioners would not understand their ideas and recommendations and as a result, discount them. In addition, there would have been a better course of action, if they had known exactly what the Commissioners were looking for in the draft documents.

The best thing to come from this process was increased public awareness generated by the environmental symposium. Citizens, engineers, members of the home builders association, the Chamber of Commerce, governmental officials from adjacent communities and County Commissioners attended the day-long seminar, including local newspaper coverage. Everyone appeared to be interested in the county's desire to strike the balance between the protection of water resources and the continuing development of a growing community. We were able to bring in professionals in this field to answer questions and provide clarification where local planning staff did not have the technical expertise, i.e., in water quality issues and open space development. Planning staff received many comments and ideas about development and the Task Force seemed revitalized after learning more about the ways development could happen in the watershed.