



October 2, 2020

Councilwoman Natalyn Archibong  
Chair, City Utilities Committee

Members

Councilwoman Andrea Boone  
Councilman Dustin Hillis  
Councilman J. P. Matzigkeit  
Councilwoman Joyce Sheperd  
Councilman Howard Shook  
Councilwoman Clea Winslow

Re: Revisions to the City of Atlanta Post-Development Stormwater Ordinance

There is not a more fitting or compelling opening statement for this letter than a quote lifted verbatim from the Georgia Stormwater Management Manual (Blue Book) published by the Atlanta Regional Commission (ARC).

When land is developed, the hydrology, or the natural cycle of water is disrupted and altered. Clearing removes the vegetation that intercepts, slows and returns rainfall to the air through evaporation and transpiration. Grading flattens hilly terrain and fills in natural depressions that slow and provide temporary storage for rainfall. The topsoil and sponge-like layers of humus are scraped and removed and the remaining subsoil is compacted. Rainfall that once seeped into the ground now runs off the surface. The addition of buildings, roadways, parking lots and other surfaces that are impervious to rainfall further reduces infiltration and increases runoff. (Development Changes Land And Runoff (Section 2.1.1.1., p. 4, Georgia Stormwater Management Manual, Vol. 2).

This scenario is repeated hundreds and hundreds of times each year during the land development process in the City of Atlanta. And far too often, this process has costly consequences for individual homeowners and neighborhoods that experience the devastation caused by stormwater runoff and are left to foot the bill and/or suffer the consequences of flooding caused by development.

Another scenario that is repeated hundreds and hundreds of times each year in the land development process is the approval of stormwater management plans by Site Development.

During this process, the developer hires an engineer and/or landscape architect to assess pre-development stormwater conditions and develop a plan to effectively manage post-

development stormwater runoff. This plan is reviewed and approved by Site Development. When this process fails, as it often does, homeowners, vulnerable urban neighborhoods, and the environment pay.

Homeowners and neighborhoods that have no involvement in the development of the stormwater plan, nor the approval process, are left to bear the cost of mitigating the effects of stormwater runoff planning gone awry. Vulnerable communities must deal with flooding from sewage tainted stormwater runoff that overwhelms Atlanta's antiquated combined sewer and sanitary sewer systems inundating homes, parks, and streets. Local streams and rivers are ravaged by destructive uncontrolled stormwater that causes massive scouring, erosions, and flooding.

The Atlanta City Council currently has an unprecedented opportunity to address the city's stormwater runoff problem (and the damage being inflicted upon property, neighbors, neighborhoods, and the environment) and take decisive action to curb a decades long pattern of tree canopy loss. These two issues are inseparable – tree canopy loss followed by impervious surfaces created during the development process are unequivocally and irrefutably to blame for the city's massive stormwater runoff problems.

The benefits that can be gained from integrating revision of the Atlanta Tree Protection Ordinance and revision of the Post-Development Stormwater Ordinance are equally evident.

Whether you believe in global warming or not, it is readily obvious that we are experiencing more frequent, longer-lasting, and heavier rain events. There is also no denying that more development means more stormwater runoff. Ineffective and/or bad stormwater management planning – wherever it occurs – continues to place homeowners in the untenable position of suing new neighbors for relief to a problem neither caused as well as subject vulnerable urban neighborhoods to sewage tainted flooding. It is the responsibility of the developer and the City of Atlanta – Site Development and Arborist Department– to get stormwater management right.

A prerequisite for quality growth is quality development and quality development is only achieved when stormwater runoff is effectively dealt with onsite thus eliminating the need for neighbors to sue neighbors and vulnerable community to contend with flooding that never should have happened in the first place.

The Atlanta City Council is ultimately responsible for protecting the public health and environmental health of Atlanta's citizens, these two matters cannot be separated. As the elected representatives of all of Atlanta's citizens, you cannot in good consciences turn a blind eye and a deaf ear to homeowners and the city's most vulnerable neighborhoods and not consider their plight on par with the concerns and demands of special interests that benefit financially.

The City Utilities Committee acquiesced to the demands of the Council for Quality Growth to delay consideration of the revised Post-Construction Stormwater Ordinance at its August 6,

2020 meeting. It has come to our attention that a number of issues have been raised relative to the perceived negative impacts of the revised ordinance on the development community. The attached comments address these issues from the perspective of citizens and neighborhoods. We, the undersigned organizations, sincerely hope that you will find our concerns and comments equally compelling.

For better and for worse, Atlanta's landscape is becoming more and more impervious with each new development and redevelopment. The provisions of the revised Post-Development Stormwater Ordinance are designed to reduce the impact of post-development stormwater on homeowners and neighborhoods and improve water quality in our streams. We applaud and support the work of the Department of Watershed Management, Watershed Protection Branch in this effort.

Sincere Regards,

Jacqueline Echols PhD  
Board President, South River Watershed Alliance

The following organizations endorse this letter and its content:

South River Watershed Alliance  
Intrenchment Creek Community Stewardship Council  
Eco-Action  
The Tree Next Door  
Eco Addendum  
West Atlanta Watershed Alliance  
City in the Forest  
Altamaha Riverkeeper  
Underwood Hills Neighborhood Association

Cc: Councilman Michael Bond  
Councilman Antonio Brown  
Councilman Amir Farokhi  
Councilwoman Carla Smith  
Councilman Andrea Dickens  
Councilwoman Jennifer Ide  
Councilman Matt Westmoreland  
Councilwoman Marci Overstreet  
Council President Felicia Moore

## Post-Development Stormwater Ordinance Comments

**1) Green Infrastructure Hardship Claim – Runoff Reduction (74-513. (a)).** We **oppose** the proposed \$5,000 hardship cap (or any reduced amount) that would limit the amount a developer would have to spend to meet stormwater runoff reduction requirements. The financial cost of managing stormwater runoff from a development site is and should be the responsibility of the developer. This change would incentivize developers to only consider stormwater management techniques within a certain price range rather than effectiveness being the main determining factor for selection. Stormwater runoff already represents an enormous hardship for citizens impacted by flooding. The proposed “hardship” language would exacerbate this injustice by unfairly shifting the cost of doing business for a private company to all citizens and ratepayers. (Also, see Comment #2)

**2) Account for uptake of individual trees in stormwater management plan model – Green Infrastructure (74-513 (a)(1)).** We **support** maximizing the use of existing trees as green infrastructure. In the revised Post-Development Stormwater Ordinance there is no specific distinction between the benefit of a “new tree” planted today and an “old tree” planted one hundred years ago. Currently, the engineer or landscape architect employed by the developer accounts for trees of whatever type, size, or age in the stormwater calculations. Most often, all trees are grouped together and considered in the runoff factor.

The value of trees as stormwater infrastructure increases with size – larger, older trees provide greater interception, infiltration, and evapotranspiration of stormwater. There are numerous models in use around the county that calculate the value and benefit of existing trees. The counter argument that there is not agreement or a single model that accounts for the uptake ability of all types of trees literally does not hold water.

Retaining existing trees on development sites reduce stormwater runoff and can greatly assist developers with meeting Runoff Reduction and Green Infrastructure requirements in the revised Post-Stormwater Development Ordinance. Retaining trees onsite will also help developers address their “hardship” complaint, which is essentially a hardship of their own making. (Also, see Comment #1)

**3) Stream Channel Protection (74-513(b)) -** We **oppose** any effort that diminish the ability of the Watershed Management Department to protect water quality in Atlanta’s urban streams. Specifically, we oppose the proposal that would eliminate channel protections for streams that receive discharges of less than 2.0 cubic feet per second (cfs) at each individual discharge location (Georgia Stormwater Manual, Vol. 2, p.16). This is a statewide provision that is not tailored in any way to Atlanta’s highly urbanized landscape and its effect on streams. For this reason, “Communities are encouraged to review and modify the contents of this manual, as necessary, to meet local watershed and stormwater management goals and objectives while still maintaining the essence of a Low Impact Development (LID)-based approach for stormwater management” (Georgia Stormwater Manual, Vol. 2, p.3). Runoff in the amount of

2cfs is equivalent to almost 1,000 gallons of water flowing per minute (448.8 gals per minute per cfs) which could have devastating impacts on urban streams with untold numbers of discharge points.

**4) Stormwater Management Systems – Runoff Reduction (74-513).** We **oppose** any changes that diminish the ability of the Department of Watershed Protection to develop and enforce specific policies and practices designed to mitigate the huge negative impacts of stormwater runoff from development.

Specifically, developers must adhere to the following:

- 1) Developers must meet both water quantity and water quality requirements as specified in the ordinance. In the event the claim is made that 100 percent of the requirement cannot be met, it is the responsibility of the developer to justify why a certain percentage of the 100 percent requirement cannot be met (74-513 (a) and 74-513 (b).
- 2) Proprietary structural stormwater control devices installed on a development site must be designed to meet their intended function (74-513(f)).
- 3) Removal of healthy, non-invasive trees solely for the construction of stormwater management systems (74-513(a)(j)(6) is prohibited.

**5) Better Site Design – Runoff Reduction (74-513).** We **support** “better site design practices and techniques that can reduce the total amount of area that needs to be cleared and graded should be implemented wherever possible.” (Georgia Stormwater Manual, Vol 2, p. 10).

On the vast majority of development sites, required setback areas – front yard, side yard, and backyard – contain the site’s critical natural features and drainage patterns. The practice of encroachment into and destruction of these protected areas through the use of administrative discretion and the variance approval process without fully vetting the after-effects and impacts of the decision/action in advance, is one, if not the leading cause of uncontrolled runoff and flooding of neighbors and neighborhoods.

The identification, and subsequent preservation and/or restoration of these natural resources, through the use of better site design practices helps reduce the negative impacts of the land development process “by design”. (Georgia Stormwater Manual, Vol 2, p. 7).