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MEMORANDUM

To: Mayor and City Council

From: Paul Leonhardt, Planning & Zoning Manager

Date: March 8, 2021

**Subject: Presentation of Development Requirement Options for
Wildlife/Ecosystem Mitigation**

BACKGROUND

Councilman Secorder has requested that the Community Development department research options how the City can require developers to mitigate the impacts of development on wildlife and the local ecosystem.

In response, the Community Development department has:

- Reviewed applicable federal and state legislation
- Reviewed the current local requirements pertaining to wildlife and ecosystem mitigation
- Identified regional best practices
- Interviewed local government practitioners for suggestions

DISCUSSION

The attached PowerPoint document provides an overview over existing practices in Gwinnett County, Athens-Clarke County, and in Fulton County. While there is currently no municipal program in place that requires wildlife/ecosystem mitigation beyond federal and state requirements from developers, the PowerPoint document provides examples of other municipal efforts that address wildlife/ecosystem impacts of development.

Mayor & City Council

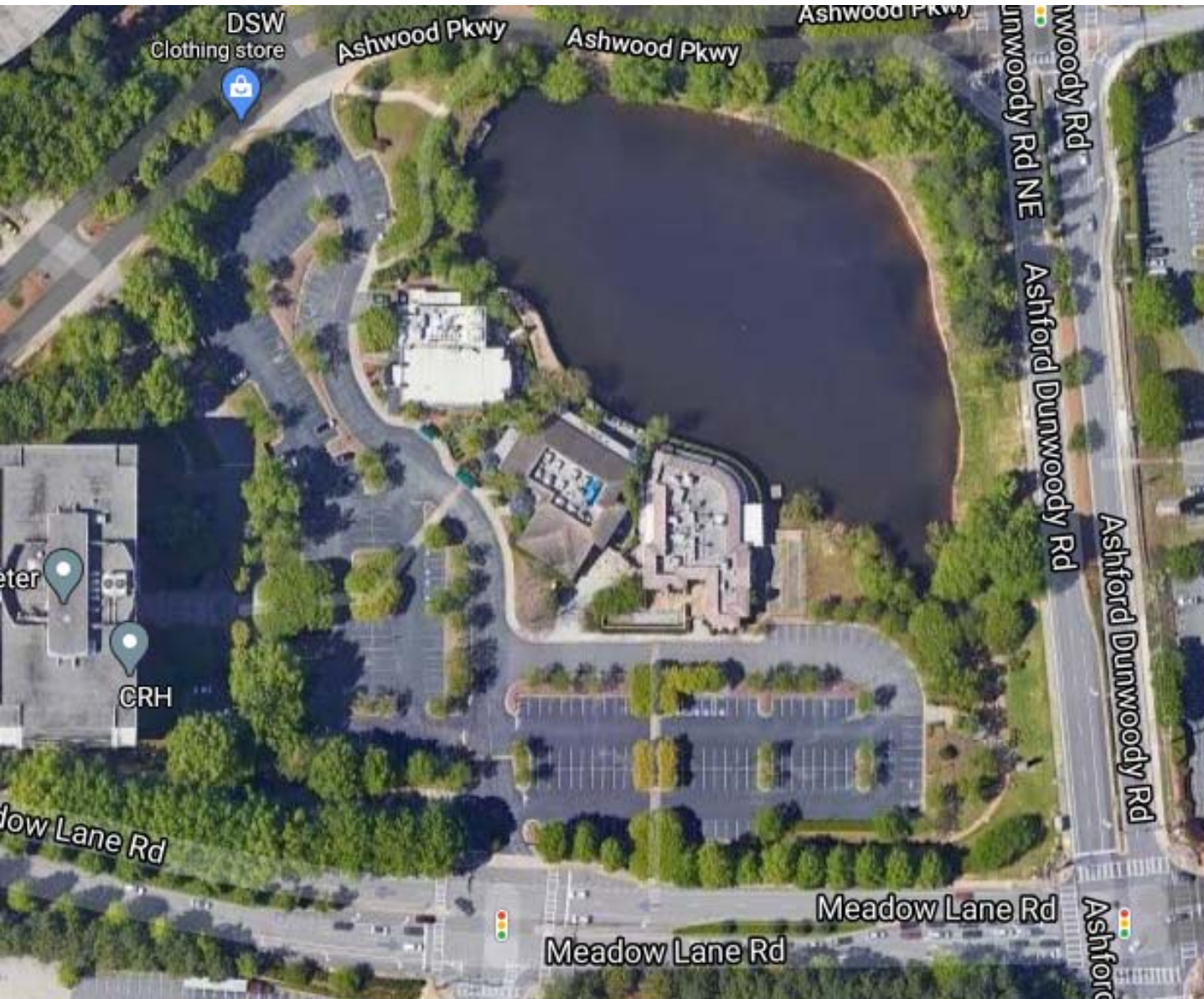
March 8, 2021 Meeting

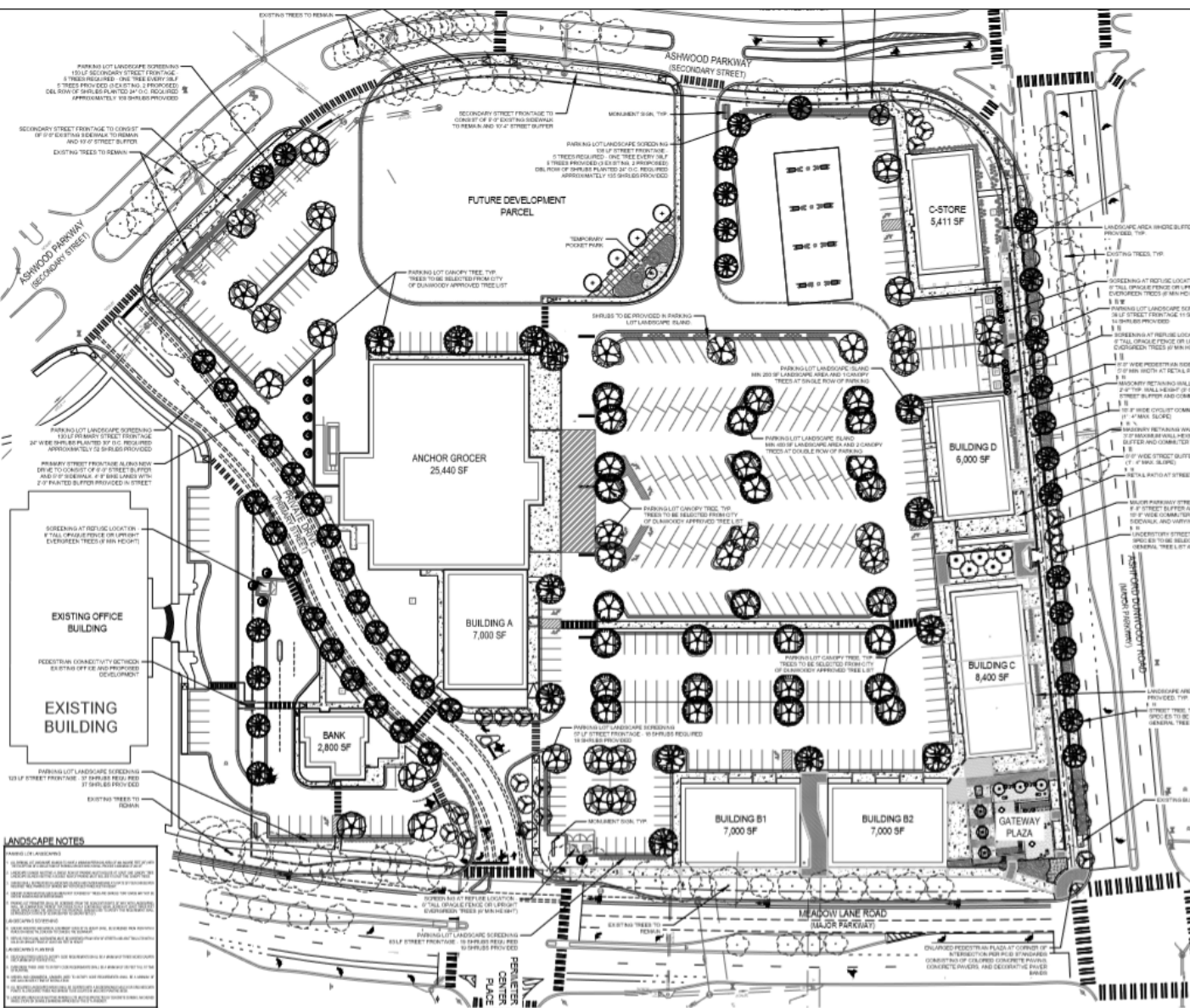


Wildlife/Ecosystem Mitigation Research

Background – Project

- Perimeter Marketplace at Ashford-Dunwoody Rd
- Zoned for C-1, commercial in 2019
- Land Development Permit issued in January 2020
 - Included diversion of stormwater and filling of an existing pond
 - Approval by Georgia Soil and Water Conservation Commission
 - Approval by Georgia Environmental Protection Division
 - Review by U.S. Army Corps of Engineers
- Councilman Secorder requested staff to review development requirements for wildlife/ecosystem mitigation





Legal Framework

- Endangered Species Act of 1973
 - Defines endangered and threatened species
- Enforced by U.S. Fish and Wildlife Service if federal funding or federal permits
- Otherwise enforced by Georgia Ecological Services
 - Requires incidental take permit and a Habitat Conservation Plan
 - Typically, no full stoppage, but finding accommodations for endangered species and legal protection for property owner
- No known endangered species typically living in Dunwoody

Local Environmental Protections

- Stream water quality (Division 4)
 - 75-foot buffer
- Tree Ordinance (Division 6)
 - Tree Removal Permit required in stream buffers and on commercial properties
- Stormwater Management (Division 5)
- Soil Erosion and Pollution (Division 3)
- Floodplain Management (Division 8)

→ No additional protections for animals and plants

Gwinnett County

Comprehensive Waterfowl Management Plan

- A long term internal plan to increase the health of the ecosystem in Gwinnett County's parks:
 - Improve water quality and increase biodiversity
 - Reduce non-native species
 - Develop education component to limit human interactions with waterfowl
- Methods used:
 - Public education
 - Habitat modification
 - Population control/egg addling
 - Population control/waterfowl round-ups

Gwinnett County

- All of their wildlife mitigation is for city-owned land, not developers
- Applies to plans for city projects
 - For projects involving lakes, schedule avoids animals' dormant period
- Typically do not move animals
 - Can create genetic issues if they are not native to Georgia
 - Never move between watersheds
- Trapping and removing species not considered effective for preventing an impact on the ecosystem
 - Occasionally done by volunteers only

Athens-Clarke County

- Currently working on wildlife mitigation development standards
 - Led by designated sustainability office
 - Requires a lot of cross-departmental coordination
- Wildlife and ecosystem sustainability actions are staffed by volunteers

Other Options

- An Environmental Impact Analysis (EIA) identifies impacts on environmental resources and proposes mitigation efforts
 - Fulton County requires an environmental site analysis (ESA) for all rezoning and petitions to determine if proposed use has impacts on wetlands, historic sites, habitats, etc.
 - Does not go beyond state/federal protection standards
 - Not tied to mitigation requirements

Other Options

- Stream daylighting: “Un-piping” natural streams and restoring a more natural habitat
 - Often part of placemaking initiatives as neighborhood amenity or as parkland
- Challenges:
 - Streams in urbanized areas are generally buried beneath concrete and thus daylighting requires major excavation
 - Flood control may require extensive flood plains
 - Expensive— a general rule of thumb is \$1,000/linear foot of stream daylighted; more for habitat restoration
- Typically municipalities take a lead on these projects themselves but have not required developers to do them

Takeaways

- No examples of development standards for non-endangered species protection
 - Species often considered nuisance (Canada geese, pigeons, mice, etc.)
 - Economic burden on developers
 - Difficulty of identifying appropriate alternative habitats
 - Year-round nature of development/construction vs. breeding/dormant times for species
 - Lack of expertise and understanding amongst municipal staff
- Starting point would be City-owned and –financed projects
 - Leading by example and developing culture around mitigating impacts on wildlife
- Practitioners stress importance of engaging residents and public participation
- Technical and scientific knowledge currently does not exist amongst the staff