

## Staff Report

**Subject:** Rezoning (First District)  
**Author:** Teresa Concannon, AICP, Planning & Zoning Manager  
**Department:** Development Services  
**Meeting Date:** June 7, 2022  
**Item Description:** **W.T. Wasden** as agent for **Millen Timber**, requests to **rezone** 46.62 of 52.80 acres from **AR-1** to **I-1**, for development of a surface mine. Located at 1080 Midland Road. **Map# 324 Parcel# 115**

### Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request to **rezone** 46.62 acres, from **AR-1** to **I-1**, for development of a surface mine.

### Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Pursuant to *Sec. 3.17.3.3*, excavation activity that requires a state mining permit must be located within the I-1 zoning district.
- Pursuant to *O.C.G.A 12-4-75* of the Georgia Surface Mining Act, a mining land use plan (MLUP) shall be consistent with the land use in the area of the mine. Mine operators must obtain a letter from the local government stating the mine location is in zoning compliance.
- The proposed site is surrounded by residential development. According to the future land use map, the area is proposed for residential and agricultural use.
- According to EPD, there are 31 permitted mines in the county; three are on Midland Road.
- The proposed site has extensive wetlands coverage. Pursuant to *sec. 3.17(4)(7)*, all wetlands impacts must be permitted by the USACE. A jurisdictional determination (JD) by the USACE was not submitted with the application. The JD must be submitted with a state mining permit application. The mining land use plan must include a 25' buffer to protect any wetlands on the parcel. If approved, the JD and state mining permit should be submitted to Development Services.
- The proposed surface mine site has frontage on Midland Road, which is not a designated Truck Route. If approved, a Traffic Impact Assessment will be necessary to identify necessary road improvements.
- At the May 16 Planning Board meeting, Ryan Thompson made a motion to **deny** the request to **rezone** 46.62 of 52.80 acres from **AR-1** to **I-1**.
- The motion was seconded by Peter Higgins, and carried unanimously.

### Alternatives

1. **Approve** the request to **rezone** 46.62 acres from **AR-1** to **I-1**, with the following conditions:
  1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
  2. A wetlands delineation and the state mining permit shall be submitted to Development Services.
  3. Applicant shall meet with the county engineer to set the scope of the Traffic Impact Assessment.
  4. Applicant shall obtain a Timber Permit prior to removal of any trees outside the buffer area.
  5. The surface mine site shall meet the requirements of *Section 3.17-* Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands, *Section 3.17.5* Surface Mine Operations – Road Maintenance Requirements, and *Sec. 74-8* Designated Truck Routes.
  6. The applicant shall notify Development Services at the time of final reclamation of the surface mine, and close out of this mining operation. Upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, the applicant shall rezone the property to AR-1.
2. **Deny** the request to **rezone** 46.62 of 52.80 acres from **AR-1** to **I-1**.

**Recommended Alternative:** 2

**Department Review:** Development Services

**Attachments:**

1. Rezoning application and checklist
2. Ownership certificate/authorization

**Other Alternatives:** 1

**FUNDING:** N/A

3. Plat
4. Aerial photograph
5. Deed