

AMENDMENT TO ARTICLE III and V
OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE III and ARTICLE V OF THE EFFINGHAM COUNTY ZONING ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

The text of **section 3.17 Excavation, mining, ponds, and fills of land and/or state/federal jurisdictional waters or wetlands** is deleted in its entirety and replaced with the following:

3.17 - Excavation, mining, ponds, and fills of land and/or state/federal jurisdictional waters or wetlands.

3.17.1 The following activities shall be subject to review by the Effingham County Planning Board:

1. Excavation of land, or removal of earth that exceeds 1.0 acres of disturbed area.
2. Removal of earth or like material from the subject site to another parcel.
3. Filling of land and/or state/federal jurisdictional waters or wetlands.

* If any item above meets the project criteria, review by the Planning Board and approval by the Board of Commissioners is mandatory.

3.17.2 Excavation, mining, and fills of land and/or state/federal jurisdictional waters or wetlands.

Excavation, mining, and fills of land and/or state/federal jurisdictional waters or wetlands that are associated with a specific project that has been approved by the board of commissioners that comply with all other regulations set forth in this ordinance are exempt from section 3.17.

3.17.3 Requirements for submittal for planning board and/or staff review.

1. Application and checklist.
 - a. Applications and checklist may be obtained from the Development Services office.
 - b. Application and checklist must be complete and submitted with the all required information.
 - c. Fees in accordance with the Effingham County Schedule of Fees must be paid at the time of application submittal.
2. Excavation activities that have greater than one (1) acre of disturbed area must obtain a state mining permit. A copy of the approved state mining permit must be submitted to the Development Services office prior to work commencing.
3. Any excavation activity between one (1) acre and ten (10) acres that requires a state mining permit, or is a GDOT approved borrow-source or pit for a GDOT-approved project, may be permitted as a conditional use in the AR-1 and AR-2 zoning districts, upon approval of the Board of Commissioners, and after review by the Planning Board.
4. Any excavation activity greater than one (1) acre of disturbed area may be permitted in the PD-MR zoning district. Excavation activities that have greater than ten (10) acres must be permitted in PD-MR.

3.17.3A Requirements for approval and final inspection.

1. Pond of less than one (1) acre of disturbed area. Construction of the pond shall cease within six (6) months of approval date. The pond may be subject to a final inspection.
2. For any excavation activity between one (1) acre and ten (10) acres that is approved as a conditional use in AR-1 or AR-2, and requires a state mining permit, or is a GDOT approved borrow-source or pit for a GDOT-approved project, the bond shall be submitted to DNR, if required. Excavation activities shall cease within three (3) years of DNR or GDOT approval date. Extension of excavation activities beyond three (3) years will require approval by the board of commissioners, after review by the planning board. Business operator shall maintain an annual occupation tax certificate, pursuant to Article II – Business and Occupation Tax, for a license to operate a surface mine. Applicant shall submit a survey of the completed excavation site to Development Services. A final inspection is required. All DNR reclamation requirements shall be met.
3. For any excavation activity greater than one (1) acre that requires a state mining permit and is permitted in PD-MR, or is a GDOT approved borrow-source or pit for a GDOT-approved project, the bond shall be submitted to DNR, if required. Excavation activities shall cease within five (5) years of DNR or GDOT approval date. Extension of excavation activities beyond five (5) years shall require approval by the board of commissioners, after review by the planning board. Business operator shall maintain an annual occupation tax certificate, pursuant to Article II – Business and Occupation Tax, for a license to operate a surface mine. Applicant shall submit a survey of the completed excavation site to Development Services. A final inspection is required. All DNR reclamation requirements shall be met.

3.17.4 Construction requirements.

1. All projects must comply with best management practices as outlined in the "Manual for Soil and Sediment Control in Georgia" as specified in O.C.G.A. § 12-7-6.
2. Side slopes of any excavated area must be constructed at a 3:1 slope (one foot in elevation change per three feet of horizontal distance) from the top of the excavation to the bottom at all times during construction and at completion of the excavation.
3. All disturbed areas will have a permanent stand of grass established at completion.
4. No digging and hauling activities shall take place except between the hours of 8:00 am and 5:00 pm Monday through Friday. A project of regional significance may be permitted alternative hours of operation, upon review and approval by the County Manager or his designee.
5. Unless a pond/excavation is to be shared by two or more parcels it shall be located at least 50 feet from the nearest property line. Excavations shall not be nearer than 100 feet to any school, church, dwelling, or highway right-of-way. This section shall serve as the buffer requirements for surface mining operations-
6. The limits of excavation of the pond shall be located at a distance from the nearest access easement or utility easements, as follows:
 - a. For pond depths of 10' or less, the limits of excavation of the pond shall be 20' from the nearest access easement or utility easement; and
 - b. For every additional 5' depth of pond, the additional distance from the nearest access easement or utility easement shall be 10'.
7. All wetland impacts must be approved by the USACE.
8. The construction` entrance and roadway shall be designed and built pursuant to GSWCC Construction Exit guidance (2016 Edition). The roadway shall extend a minimum of 50 (fifty) feet into the mine site from the paved entrance.

A new **subsection 5.1.2.12** is inserted in **5.1.2 Conditional Uses**, as follows:

5.1.2.12 Surface Mines up to ten (10) acres in size, as provided in article III, section 3.17, and subject to article V, sections 5.12.2, 5.12.3, and 5.12.4.

The text of **section 5.2.1 Permitted Uses** is deleted in its entirety and replaced with the following:

5.2.1 Permitted uses.

5.2.1.2 All uses permitted in section 5.1 except uses specified in subsections 5.1.1.2, 5.1.1.3, 5.1.1.6, 5.1.2.11, and 5.1.2.12.

A new **subsection 5.2.2.6** is inserted in **5.2.2 Conditional Uses**, as follows:

5.2.2.6 Surface Mines up to ten (10) acres in size, as provided in article III, section 3.17, and subject to article V, sections 5.12.2, 5.12.3, and 5.12.4.

A new **subsection 5.15.7.9** is inserted in **5.15.7 Permitted PD Districts**, as follows:

5.15.7.9 Mining and Reclamation (PD-MR)

Characteristics and intent: It is the intent of the PD-MR district to accommodate development of commercial surface mining operations that meet the requirements of GA Rule 391-3-3 Surface Mining. The surface mine operations shall not adversely affect the ecology of the area; the use and enjoyment of surrounding properties; or the condition or safety of county roads used in connection with surface mine operations. Upon a timely conclusion of surface mine operations, the site shall be permanently reclaimed pursuant to the approved Mining Land Use Plan (MLUP), and established as a lake.

Surface mining operations shall comply with all relevant guidance from the Department of Natural Resources (DNR), including submission of the Surety Bond, Annual Status Reports, and amendments, as necessary, to the approved permit or MLUP. Maintenance of both active and inactive surface mining sites is required. Copies of all submittals shall be submitted to Development Services at the same they are submitted to DNR.

In advance of an application for a permit from DNR, the applicant shall meet with Development Services and develop a PD-MR document. The completed PD-MR document shall be submitted to Development Services, along with an application for rezoning. The application must also include a draft mining permit application and MLUP; a site plan detailing proposed buffers and berms, as needed; hours of operation; a statement granting an authorized representative of Effingham County the right of entry and travel upon affected lands; and such other information as is requested by Development Services. Following rezoning approval, the approved mining permit shall be submitted to Development Services before mining operations commence. The Annual Status Report shall be submitted each year to Development Services at the same time that it is submitted to DNR. Any approvals for permit or MLUP amendments, or changes in active status, shall be submitted to Development Services before amended mining operations proceed.

Requirements: Commercial surface mine operations are subject to section 5.12.4 Performance Standards, section 3.17.5 Surface Mine Operations—Road Maintenance Requirements, and section 74-8 Designated Truck Routes. A Traffic Impact Assessment may be required by the county engineer. Business operator shall maintain an annual occupation tax certificate, pursuant to Article II – Business and Occupation Tax, for a license to operate a surface mine. The property on which the surface mine is proposed shall have frontage on a paved road built to county or GDOT standards / designated truck route. No surface mine operators, transportation partners, customers, etc., shall damage any portion of a county road or right-of-way or cause a road to become impassable or unsafe to normal passenger traffic.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ___ day of _____, 20__.

BOARD OF COMMISSIONERS,

EFFINGHAM COUNTY, GEORGIA

BY: _____
CHAIRMAN

ATTEST:

STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK

FIRST READING _____

SECOND READING _____