

Staff Report

Subject: 2nd Reading – Zoning Map Amendment
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: August 13, 2024
Item Description: **Bo Langham** as agent for **Matthew & Ryan Davis** requests approval for a pond less than one acre located at 2643 Courthouse Road. **[Map# 348 Parcel# 35]**

Summary Recommendation

Staff has reviewed the application and recommends **approval** of the request for a pond less than one acre.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article III – General Provisions, *Section 3.17 – Excavation, mining, ponds, and fills of land and/or state/federal jurisdictional waters or wetlands.*
- The applicant requests approval for a .50-acre pond where the dirt will be moved off-site.
- Per the Effingham County Code of Ordinances, **Appendix C – Zoning Ordinance, Article III – General Provisions, Section 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 a.m. and 5:00 p.m. 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 easement, as follows:*
 - a. *For pond depths of ten inches or less, the limits of excavation of the pond shall be 20 inches from the nearest access easement or utility easement; and*
 - b. *For every additional five-inch depth of pond, the additional distance from the nearest access easement or utility easement shall be ten inches.*
 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 feet into the mine site from the paved entrance.*
- The applicant has provided an Erosion Control Plan that includes a pond outfall, the construction entrance to the pond, and the type of silt fencing that will be used as the required Best Management Practice (BMP).
- The pond will be surrounded by a 50' buffer.
- At the August 13, 2024, Planning Board meeting, Mr. Brad Smith motioned for approval. Mr. Ryan Thompson seconded the motion, and it carried unanimously.

Alternatives

1. **Approve** the requests approval for a pond less than one acre, with the following conditions:
 - All requirements of Effingham County Code of Ordinance, *Appendix C- Zoning Ordinance; Article III – General Provisions; Section 3.17.4 – Construction Requirements* are adhered to.
 - All wetland impacts are approved by the U.S. Army Corps of Engineers.

- If this pond exceeds 1 acre or more, the applicant shall come back through the process for necessary Planning Board and Board of Commissioner approval, along with obtaining a State Mining Permit.

2. Deny the requests approval for a pond less than one acre.

Recommended Alternative: 1

Other Alternative: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Zoning Map Amendment