

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 ~~and approval~~ 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 approval~~ 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 planning board and/or~~ 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 ~~zoning~~ **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 on a conditional basis in the AR-1 zoning district, upon approval of the Board of Commissioners, and after review by the Planning Board. ~~must be located within the I-1 zoning district.~~
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.

- a. For a pond of less than one (1) acre of disturbed area, applicant shall submit a bond for \$1000. Construction of the pond shall cease within six (6) months of approval date. The bond will be released after submittal of a survey of the new pond site, and successful completion of the final inspection.
- b. For 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, 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. 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.

- c. 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. 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 sunrise and sunset Monday through Friday Saturday. State permitted mining operations are exempt from this provision.
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 for requirements for surface mining operations in I-1 zoning districts.
6. ~~No~~ The limits of excavation of the pond shall be located ~~less than ten feet~~ 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.