

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: December 06, 2022
Item Description: **Jeffrey Hardin** as Agent for **Harrison Clark Ale Jr., Trustee** requests to **rezone** 11+/- of 106.35 acres from **AR-1** to **I-1** to allow for the expansion of an existing permitted surface mine. Located on Lowground Road. **Map# 373 Parcel# 38**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 11+/- of 106.35 acres from **AR-1** to **I-1** to allow for the expansion of a surface mine, with conditions.

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 involves movement of soil off-site must be located within the I-1 zoning district.
- Surface Mines are regulated by *O.C.G.A. 12-4-70* Georgia Surface Mining Act of 1968, as amended, and Georgia Rule 391-3-3. 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 adjacent to, and across Midland Road from, four parcels previously rezoned to I-1 for surface mines. According to EPD, there are approximately 31 permitted mines in the county.
- The proposed surface mine is an expansion of an existing surface mine (rezoned May, 2016), which is state approved (EPD permit # 1915-16).
- Pursuant to *sec. 3.17(4)(7)*, all wetlands impacts must be permitted by the USACE.
- The proposed surface mine site has frontage on both Lowground Road and Midland Road, neither of which is a designated truck route.
- At the November 21, 2022 Planning Board meeting, Ryan Thompson made a motion to **approve** the request to **rezone** 11+/- of 106.35 acres from **AR-1** to **I-1** to allow for the expansion of a surface mine, with the following conditions:
 1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
 2. The mine site and entrance shall be upgraded as necessary to meet the requirements of *Section 3.17.5* Surface Mine Operations – Road Maintenance Requirements.
 3. The new State mining permit shall be submitted to Development Services.
 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 *Sec. 3.17-* Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands, 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.
- The motion was seconded by Brad Smith and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 11+/- of 106.35 acres from **AR-1** to **I-1** to allow for the expansion of a surface mine, with the following conditions:
 1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
 2. The mine site and entrance shall be upgraded as necessary to meet the requirements of *Section 3.17.5* Surface Mine Operations – Road Maintenance Requirements.
 3. The new state mining permit shall be submitted to Development Services.

- 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 *Sec. 3.17-* Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands, 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** 11+/- of 106.35 acres from **AR-1** to **I-1**.

Recommended Alternative: 1	Other Alternatives: 2
Department Review: Development Services	FUNDING: N/A
Attachments:	
1. Rezoning application and checklist	3. Plat
4. Ownership certificate/authorization	4. Aerial photograph
	5. Deed